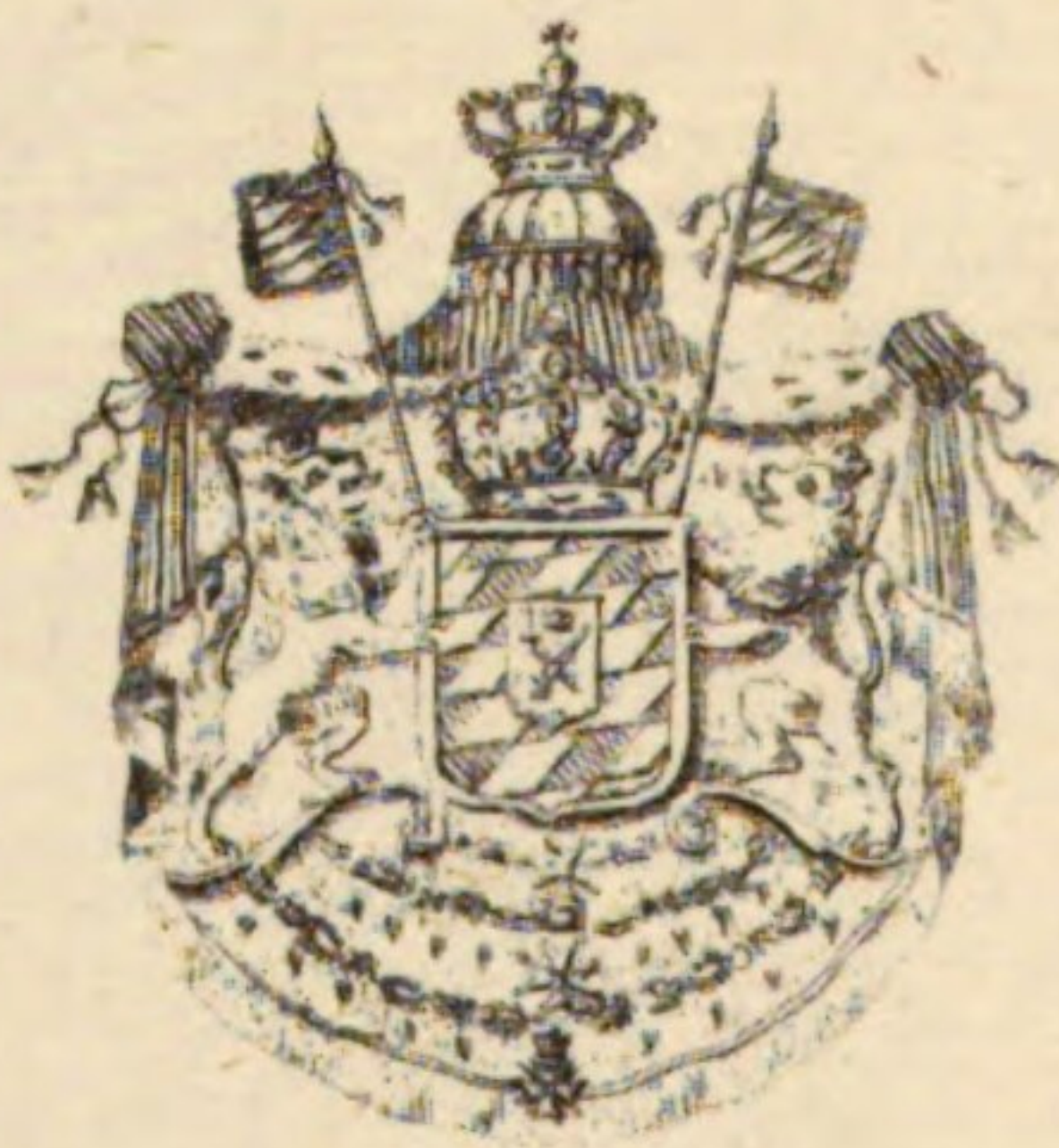


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THE
Parliamentary History
OF
ENGLAND
FROM
THE EARLIEST PERIOD

TO
THE YEAR
1832.
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BY
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1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED
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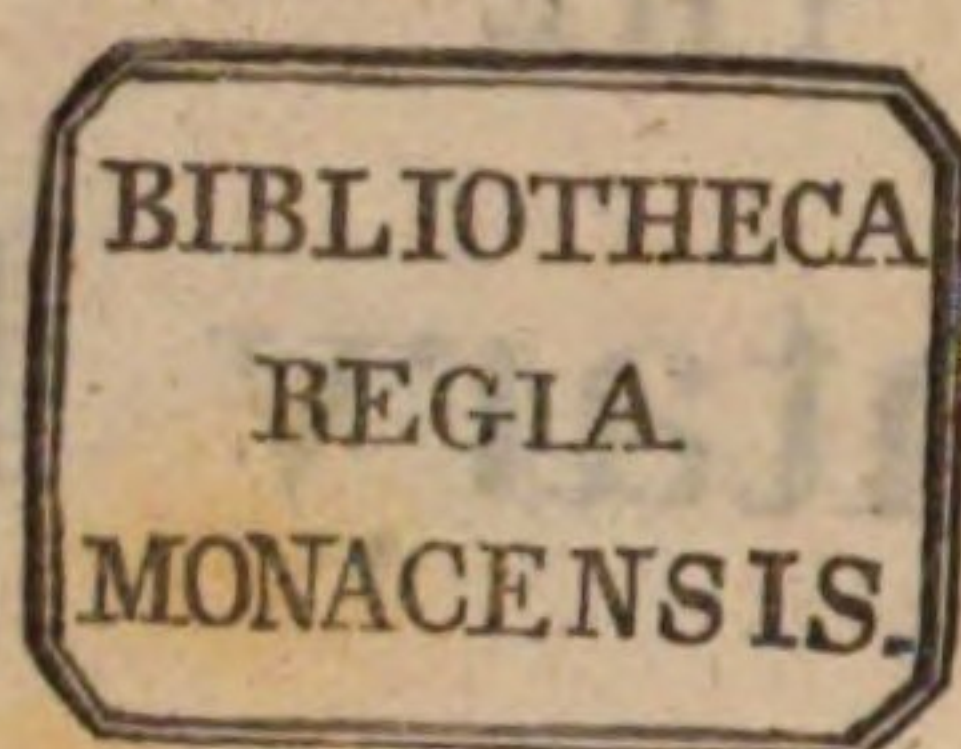
VOL. XXI.

COMPRISING THE PERIOD
FROM THE ELEVENTH OF FEBRUARY 1780, TO THE
TWENTY-FIFTH OF MARCH 1781.

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1814.



ENGLAND

THE EARLIEST PERIOD

TO

THE YEAR

FROM WHICH LAST MENTIONED PERIOD IT IS CONTAINED
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1814

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ERRATUM.—VOL. XX. Page 73, Line 39,

At the close of the Debate on Mr. Temple Luttrell's Motion for an Address to the King to order a Court Martial on Sir Hugh Palliser, after the words "*The motion as amended was agreed to,*" add, "*but was afterwards got rid of by the order of the day.*"

Parliamentary History.

20 GEORGE THE THIRD, A. D. 1780.

SIXTH SESSION
OF THE
FOURTEENTH PARLIAMENT
OF
GREAT BRITAIN.

[Continued from Vol. XX.]

MR. BURKE's Speech on presenting his Plan for the better Security of the Independence of Parliament and the Economical Reformation of the Civil and other Establishments.] February 11. In pursuance of the notice he had given,

Mr. Burke rose and addressed the House as follows :*

Mr. Speaker ; I rise, in acquittal of my engagement to the House, in obedience to the strong and just requisition of my constituents, and, I am persuaded, in conformity to the unanimous wishes of the whole nation, to submit to the wisdom of parliament, " A Plan of Reform in the Constitution of several parts of the Public Economy."

I have endeavoured, that this plan should include in its execution, a considerable reduction of improper expence ; that it should effect a conversion of unprofitable titles into a productive estate ; that it should lead to, and indeed almost compel, a provident administration of such sums of public money as must remain under discretionary trusts ; that it should render the incurring debts on the civil establishment (which must ultimately affect national strength and national credit) so very difficult, as to become next to impracticable.

* From the original edition, printed for J. Dodsley in Pall-Mall.

But what, I confess, was uppermost with me, what I bent the whole force of my mind to, was the reduction of that corrupt influence, which is itself the perennial spring of all prodigality, and of all disorder ; which loads us, more than millions of debt ; which takes away vigour from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our constitution.

Sir, I assure you, very solemnly, and with a very clear conscience, that nothing in the world has led me to such an undertaking, but my zeal for the honour of this House, and the settled, habitual, systematic affection I bear to the cause, and to the principles of government.

I enter perfectly into the nature and consequences of my attempt ; and I advance to it with a tremour that shakes me to the inmost fibre of my frame. I feel, that I engage in a business, in itself most ungracious, totally wide of the course of prudent conduct ; and I really think, the most completely adverse that can be imagined to the natural turn and temper of my own mind. I know, that all parsimony is of a quality approaching to unkindness ; and that (on some person or other) every reform must operate as a sort of punishment. Indeed the whole class of the severe and restrictive virtues, are at a market almost too high for humanity. What is worse, there are very few of those virtues which are not capable of being imitated, and even outdone in many of their most striking effects, by the worst of vices. Malignity and envy will carve much more deeply, and finish much more sharply, in the work of retrenchment, than frugality and providence. I do not, therefore, wonder, that gentlemen have kept away from such a task, as well from good na-

ture as from prudence. Private feeling might, indeed, be overborne by legislative reason; and a man of a long sighted and a strong nerved humanity, might bring himself, not so much to consider from whom he takes a superfluous enjoyment, as for whom in the end he may preserve the absolute necessities of life.

But it is much more easy to reconcile this measure to humanity, than to bring it to any agreement with prudence. I do not mean that little, selfish, pitiful, bastard thing, which sometimes goes by the name of a family in which it is not legitimate, and to which it is a disgrace;—I mean even that public and enlarged prudence, which, apprehensive of being disabled from rendering acceptable services to the world, withholds itself from those that are invidious. Gentlemen who are, with me, verging towards the decline of life, and are apt to form their ideas of kings from kings of former times, might dread the anger of a reigning prince;—they who are more provident of the future, or by being young are more interested in it, might tremble at the resentment of the successor; they might see a long, dull, dreary, unvaried vista of despair and exclusion, for half a century, before them. This is no pleasant prospect at the outset of a political journey.

Besides this, Sir, the private enemies to be made in all attempts of this kind are innumerable; and their enmity will be the more bitter, and the more dangerous too, because a sense of dignity will oblige them to conceal the cause of their resentment. Very few men of great families and extensive connections, but will feel the smart of a cutting reform, in some close relation, some bosom friend, some pleasant acquaintance, some dear protected dependant. Emolument is taken from some; patronage from others; objects of pursuit from all. Men forced into an involuntary independence, will abhor the authors of a blessing which in their eyes has so very near a resemblance to a curse. When officers are removed, and the offices remain, you may set the gratitude of some against the anger of others; you may oppose the friends you oblige against the enemies you provoke. But services of the present sort create no attachments. The individual good felt in a public benefit, is comparatively so small, comes round through such an involved labyrinth of intricate and tedious revolutions; whilst a present personal detriment

is so heavy, where it falls, and so instant in its operation, that the cold commendation of a public advantage never was, and never will be, a match for the quick sensibility of a private loss: and you may depend upon it, Sir, that when many people have an interest in railing, sooner or later, they will bring a considerable degree of unpopularity upon any measure. So that, for the present at least, the reformation will operate against the reformers; and revenge (as against them at the least) will produce all the effects of corruption.

This, Sir, is almost always the case, where the plan has complete success. But how stands the matter in the mere attempt? Nothing, you know, is more common, than for men to wish, and call loudly too, for a reformation, who, when it arrives, do by no means like the severity of its aspect. Reformation is one of those pieces which must be put at some distance in order to please. Its greatest favourers love it better in the abstract than in the substance. When any old prejudice of their own, or any interest that they value, is touched, they become scrupulous, they become captious, and every man has his separate exception. Some pluck out the black hairs, some the grey; one point must be given up to one; another point must be yielded to another; nothing is suffered to prevail upon its own principle; the whole is so frittered down, and disjointed, that scarcely a trace of the original scheme remains! Thus, between the resistance of power, and the unsystematical process of popularity, the undertaker and the undertaking are both exposed, and the poor reformer is hissed off the stage, both by friends and foes.

Observe, Sir, that the apology for my undertaking (an apology, which, though long, is no longer than necessary) is not grounded on my want of the fullest sense of the difficult and invidious nature of the task I undertake. I risk odium if I succeed, and contempt if I fail. My excuse must rest in mine and your conviction of the absolute, urgent necessity there is, that something of the kind should be done. If there is any sacrifice to be made, either of estimation or of fortune, the smallest is the best. Commanders in chief are not to be put upon the forlorn hope. But, indeed it is necessary that the attempt should be made. It is necessary from our own political circumstances; it is necessary from the operations of the enemy; it is necessary from the demands of the peo-

ple; whose desires, when they do not militate with the stable and eternal rules of justice and reason (rules which are above us, and above them) ought to be as a law to a House of Commons.

As to our circumstances, I do not mean to aggravate the difficulties of them, by the strength of any colouring whatsoever. On the contrary, I observe, and observe with pleasure, that our affairs rather wear a more promising aspect than they did on the opening of this session. We have had some leading successes. But those who rate them at the highest (higher a great deal indeed than I dare to do) are of opinion, that, upon the ground of such advantages, we cannot at this time hope to make any treaty of peace, which would not be ruinous and completely disgraceful. In such an anxious state of things, if dawns of success serve to animate our diligence, they are good; if they tend to increase our presumption, they are worse than defeats. The state of our affairs shall then be as promising as any one may choose to conceive it: it is, however, but promising. We must recollect, that with but half of our natural strength, we are at war against confederated powers, who have singly threatened us with ruin; we must recollect, that whilst we are left naked on one side, our other flank is uncovered by any alliance; that whilst we are weighing and balancing our successes against our losses, we are accumulating debt to the amount of at least 14 millions in the year. That loss is certain.

I have no wish to deny, that our successes are as brilliant as any one chooses to make them; our resources too may, for me, be as unfathomable as they are represented. Indeed they are just whatever the people possess, and will submit to pay. Taxing is an easy business. Any projector can contrive new impositions; any bungler can add to the old. But is it altogether wise to have no other bounds to your impositions, than the patience of those who are to bear them?

All I claim upon the subject of your resources is this, that they are not likely to be increased by wasting them.—I think I shall be permitted to assume, that a system of frugality will not lessen your riches, whatever they may be;—I believe it will not be hotly disputed, that those resources which lie heavy on the subject, ought not to be objects of preference; that they ought not to be the very first choice, to an honest representative of the people.

This is all, Sir, that I shall say upon

our circumstances and our resources: I mean to say a little more on the operations of the enemy, because this matter seems to me very natural in our present deliberation. When I look to the other side of the water, I cannot help recollecting what Pyrrhus said on reconnoitring the Roman camp, "These barbarians have nothing barbarous in their discipline." When I look, as I have pretty carefully looked, into the proceedings of the French king, I am sorry to say it, I see nothing of the character and genius of arbitrary finance; none of the bold frauds of bankrupt power; none of the wild struggles, and plunges, of despotism in distress;—no lopping off from the capital of debt;—no suspension of interest;—no robbery under the name of loan;—no raising the value, no debasing the substance of the coin. I see neither Louis the 14th nor Louis the 15th. On the contrary, I behold with astonishment, rising before me, by the very hands of arbitrary power, and in the very midst of war and confusion, a regular, methodical system of public credit: I behold a fabric laid on the natural and solid foundations of trust and confidence among men; and rising, by fair gradations, order over order, according to the just rules of symmetry and art. What a reverse of things! Principle, method, regularity, œconomy, frugality, justice to individuals, and care of the people, are the resources with which France makes war upon Great Britain. God avert the omen! But if we should see any genius in war and politics arise in France to second what is done in the bureau!—I turn my eyes from the consequences.

The noble lord in the blue ribbon, last year, treated all this with contempt. He never could conceive it possible that the French minister of finance could go through that year with a loan of but 1,700,000*l.*; and that he should be able to fund that loan without any tax. The second year, however, opens the very same scene. A small loan, a loan of no more than 2,500,000*l.* is to carry our enemies through the service of this year also. No tax is raised to fund that debt; no tax is raised for the current services. I am credibly informed that there is no anticipation whatsoever. Compensations are correctly made.* Old debts continue to

* This term comprehends various retributions made to persons whose offices are taken away, or who, in any other way, suffer by the new arrangements that are made.

be sunk as in the time of profound peace. Even payments which their treasury had been authorized to suspend during the time of war, are not suspended.

A general reform, executed through every department of the revenue, creates an annual income of more than half a million, whilst it facilitates and simplifies all the functions of administration. The King's household—at the remotest avenues to which all reformation has been hitherto stopped, that household, which has been the strong hold of prodigality, the virgin fortress which was never before attacked—has been not only not defended, but it has, even in the forms, been surrendered by the King to the œconomy of his minister. No capitulation; no reserve. Œconomy has entered in triumph into the public splendour of the monarch, into his private amusements, into the appointments of his nearest and highest relations. Œconomy and public spirit have made a beneficent and an honest spoil; they have plundered, from extravagance and luxury, for the use of substantial service, a revenue of near 400,000*l*. The reform of the finances, joined to this reform of the court, gives to the public 900,000*l*. a year and upwards.

The minister who does these things is a great man—But the king who desires that they should be done, is a far greater. We must do justice to our enemies—These are the acts of a patriot king. I am not in dread of the vast armies of France: I am not in dread of the gallant spirit of its brave and numerous nobility: I am not alarmed even at the great navy which has been so miraculously created. All these things Louis the 14th had before. With all these things, the French monarchy has more than once fallen prostrate at the feet of the public faith of Great Britain. It was the want of public credit which disabled France from recovering after her defeats, or recovering even from her victories and triumphs. It was a prodigal court, it was an ill-ordered revenue, that sapped the foundations of all her greatness. Credit cannot exist under the arm of necessity. Necessity strikes at credit, I allow, with a heavier and quicker blow under an arbitrary monarchy, than under a limited and balanced government: but still necessity and credit are natural enemies, and cannot be long reconciled in any situation. From necessity and corruption, a free state may lose the spirit of that complex constitution

which is the foundation of confidence. On the other hand, I am far from being sure, that a monarchy, when once it is properly regulated, may not for a long time furnish a foundation for credit upon the solidity of its maxims, though it affords no ground of trust in its institutions. I am afraid I see in England, and in France, something like a beginning of both these things. I wish I may be found in a mistake.

This very short, and very imperfect state of what is now going on in France (the last circumstances of which I received in about eight days after the registry of the edict*) I do not, Sir, lay before you

* EXTRACT from the EDICTS lately published by the King of France, on the subject of National Œconomy, quoted by Mr. Burke in the course of the above Speech.

LOUIS, &c.—Being wholly occupied in establishing order and œconomy in the expences of our household, in as great a degree as consists with the dignity of our crown, we have considered, that it will be conducive to this end to re-unite to us all the offices of our private household, part of which had been alienated by the kings our predecessors, under the titles of casual revenues, and had thereby become a heavy charge to the crown; as we shall therefore become alone interested in the number and value of these offices, we shall be more at liberty to abolish such as appear to be useless, to determine the emolument, to consult only, in these arrangements, our general views of administration. We shall refer to ourselves to examine in our justice what disadvantages may ensue to our chief officers, and those of the queen, our dearest wife and companion, from the deprivation of those casual revenues, which add nothing in splendour equal to their immense charge. We will besides preserve to them their various privileges; and they always shall be, as they at present are, eminently distinguished by the rank and dignity of the persons to whom they are entrusted.

‘For these causes, &c.’

This edict is composed of three articles.

EXTRACT from the King's EDICT for the Suppression of the Charge of Comptroller-general of the King's Household, and the Money-chamber, the Lieutenant-comptroller-general of Furniture belonging to the Crown; the Office of Comptroller-general of the Stables, of Lieutenant-comptroller-general of the Plate, Household Amusements, and Affairs of the King's Chamber; and of the two Offices of Comptroller-general of the Queen's Household; with the Establishment of a General Office for the Expence of the Household.—Given at Versailles, in the Month of January, 1780.

for any invidious purpose. It is in order to excite in us the spirit of a noble emulation.—Let the nations make war upon each other (since we must make war) not with a low and vulgar malignity, but by a competition of virtues. This is the only way by which both parties can gain by war. The French have imitated us; let us, through them, imitate ourselves; ourselves in our better and happier days. If public frugality, under whatever men, or in whatever mode of government, is national strength, it is a strength which our enemies are in possession of before us.

Sir, I am well aware, that the state and the result of the French œconomy which I have laid before you, are even now lightly treated by some, who ought never to speak but from information. Pains have not been spared to represent them as impositions on the public. Let me tell you, Sir, that the creation of a navy, and a two years war without taxing, are a very singular species of imposture. But be it so. For what end does Neckar carry on this delusion? Is it to lower the estimation of the crown he serves, and to render his own

LOUIS, &c.—Having reflected, that, without essential alterations in the direction of the expences of our household, we should hardly be able to establish a permanent improvement in the conducting of them, we have begun by reducing the great number of coffers and treasuries to one only. We have, by our edict of this day, united all the offices of our household with the casual revenues; and now, to render the plan we have prescribed to ourselves more complete, we have thought proper to suppress the offices of comptroller-general of our household, and of the money-chamber; that of the lieutenant-comptroller-general of the furniture belonging to the crown; the offices of lieutenants and comptrollers-general of our stables, those of lieutenants and comptrollers-general of the plate, the household amusements, and affairs of our chamber; the two offices of comptrollers-general to the queen's household, our dearest wife and companion; and we will that all these offices shall be paid in ready money after their liquidation. At the same time we have thought proper to establish a general office for the expences of our household, which shall be composed of two magistrates taken from our chamber of accounts, and five commissioners-general which shall be thrown out by this arrangement, and who, in uniting their different knowledge, will be very capable of conducting, with spirit and uniformity, the whole expences of our household. This office is to be immediately employed in a full examination of every part of it, in order to produce the greatest perspicuity,

administration contemptible? No! No! He is conscious, that the sense of mankind is so clear and decided in favour of œconomy, and of the weight and value of its resources, that he turns himself to every species of fraud and artifice, to obtain the mere reputation of it. Men do not affect a conduct that tends to their discredit. Let us, then, get the better of M. Neckar in his own way—Let us do in reality what he does only in pretence.—Let us turn his French tinsel into English gold. Is then the mere opinion and appearance of frugality and good management of such use to France, and is the substance to be so mischievous to England? Is the very constitution of nature so altered by a sea of 20 miles, that œconomy should give power on the continent, and that profusion should give it here? For God's sake let not this be the only fashion of France which we refuse to copy.

To the last kind of necessity, the desires of the people, I have but a very few words to say. The ministers seem to contest this point; and affect to doubt, whether the people do really desire a plan of

for the purpose of introducing all the improvements of every kind, which the business is capable of; and shall render an exact account of their operations both to the minister of our household, and that of finances, for the better introducing in this establishment every alteration which shall be found useful, and to the execution of which there yet remains every obstacle; that they may thus be immediately known and removed, and that our general administration being thus drawn into one common office, may receive all the lights necessary for accomplishing the plan we have approved. We keep our high and chief officers in the honourable situation of receiving our orders immediately from us, transmitting them, and watching that they are put into execution.—But they being called out on our service in our provinces and armies, and not having time to spare in inspecting the particulars of finance and œconomy, which require continual assiduity and watchfulness, we imagine they will behold, without pain, this part of our administration separated from their noble offices near our person; and we have too much experienced their zeal and attachment not to be convinced that they will eagerly second the general plan for the establishment of regularity in our finances, and to prove more and more to our faithful subjects, how much it is our desire to avoid having recourse to new taxes, till we have estimated all the resources arising from this system of order and œconomy.

‘For these causes, &c.’

This edict consists of 16 articles.

œconomy in the civil government. Sir, this is too ridiculous. It is impossible that they should not desire it. It is impossible that a prodigality which draws its resources from their indigence, should be pleasing to them. Little factions of pensioners, and their dependents, may talk another language. But the voice of nature is against them; and it will be heard. The people of England will not, they cannot, take it kindly, that representatives should refuse to their constituents, what an absolute sovereign voluntarily offers to his subjects. The expression of the petition is, that "before any new burthens are laid upon this country, effectual measures be taken by this House, to enquire into, and correct, the gross abuses in the expenditure of public money."

This has been treated by the noble lord in the blue ribbon, as a wild factious language. It happens, however, that the people in their address to us, use almost word for word the same terms as the king of France uses in addressing himself to his people; and it differs only, as it falls short of the French king's idea of what is due to his subjects. "To convince," says he, "our faithful subjects of the desire we entertain not to recur to new impositions, until we have first exhausted all the resources which order and œconomy can possibly supply," &c. &c.

These desires of the people of England, which come far short of the voluntary concessions of the king of France, are moderate indeed. They only contend that we should interweave some œconomy with the taxes with which we have chosen to begin the war. They request, not that you should rely upon œconomy exclusively, but that you should give it rank and precedence, in the order of the ways and means of this single session.

But if it were possible, that the desires of our constituents, desires which are at once so natural, and so very much tempered and subdued, should have no weight with a House of Commons, which has its eye elsewhere; I would turn my eyes to the very quarter to which theirs are directed. I would reason this matter with the House, on the mere policy of the question; and I would undertake to prove, that an early dereliction of abuse, is the direct interest of government; of government taken abstractedly from its duties, and considered merely as a system intending its own conservation.

If there is any one eminent criterion,

which, above all the rest, distinguishes a wise government from an administration weak and improvident, it is this:—"well to know the best time and manner of yielding, what it is impossible to keep."—There have been, Sir, and there are, many who choose to chicanery with their situation, rather than be instructed by it. Those gentlemen argue against every desire of reformation, upon the principles of a criminal prosecution. It is enough for them to justify their adherence to a pernicious system, that it is not of their contrivance; that it is an inheritance of absurdity, derived to them from their ancestors; that they can make out a long and unbroken pedigree of mismanagers that have gone before them. They are proud of the antiquity of their house; and they defend their errors, as if they were defending their inheritance: afraid of derogating from their nobility; and carefully avoiding a sort of blot in their scutcheon, which they think would degrade them for ever.

It was thus that the unfortunate Charles the 1st defended himself on the practice of the Stuart who went before him, and of all the Tudors; his partizans might have gone to the Plantagenets.—They might have found bad examples enough, both abroad and at home, that could have shewn an ancient and illustrious descent. But there is a time, when men will not suffer bad things because their ancestors have suffered worse. There is a time, when the hoary head of inveterate abuse will neither draw reverence nor obtain protection. If the noble lord in the blue ribbon pleads "Not guilty," to the charges brought against the present system of public œconomy, it is not possible to give a fair verdict by which he will not stand acquitted. But pleading is not our present business. His plea or his traverse may be allowed as an answer to a charge when a charge is made. But if he puts himself in the way to obstruct reformation, then the faults of his office instantly become his own. Instead of a public officer in an abusive department, whose province is an object to be regulated, he becomes a criminal who is to be punished. I do most seriously put it to administration, to consider the wisdom of a timely reform. Early reformations are amicable arrangements with a friend in power; late reformations are terms imposed upon a conquered enemy: early reformations are made in cool blood; late reformations are made under a state of inflammation. In that

state of things the people behold in government nothing that is respectable. They see the abuse, and they will see nothing else.—They fall into the temper of a furious populace provoked at the disorder of a house of ill fame; they never attempt to correct or regulate; they go to work by the shortest way.—They abate the nuisance, they pull down the house.

This is my opinion with regard to the true interest of government. But as it is the interest of government that reformation should be early, it is the interest of the people that it should be temperate. It is their interest, because a temperate reform is permanent; and because it has a principle of growth. Whenever we improve, it is right to leave room for a further improvement. It is right to consider, to look about us, to examine the effect of what we have done. Then we can proceed with confidence, because we can proceed with intelligence. Whereas in hot reformations, in what men, more zealous than considerate, call making clear work, the whole is generally so crude, so harsh, so indigested; mixed with so much imprudence, and so much injustice; so contrary to the whole course of human nature, and human institutions, that the very people who are most eager for it, are among the first to grow disgusted at what they have done. Then some part of the abdicated grievance is recalled from its exile in order to become a corrective of the correction. Then the abuse assumes all the credit and popularity of a reform. The very idea of purity and disinterestedness in politics falls into disrepute, and is considered as a vision of hot and inexperienced men; and thus disorders become incurable, not by the virulence of their own quality, but by the unapt and violent nature of the remedies. A great part therefore, of my idea of reform, is meant to operate gradually; some benefits will come at a nearer, some at a more remote period. We must no more make haste to be rich by parsimony, than by intemperate acquisition.

In my opinion, it is our duty when we have the desires of the people before us, to pursue them, not in the spirit of literal obedience, which may militate with their very principle, much less to treat them with a peevish and contentious litigation, as if we were adverse parties in a suit. It would, Sir, be most dishonourable for a faithful representative of the Commons, to take advantage of any inartificial expression of the people's wishes, in order to

frustrate their attainment of what they have an undoubted right to expect. We are under infinite obligations to our constituents, who have raised us to so distinguished a trust, and have imparted such a degree of sanctity to common characters. We ought to walk before them with purity, plainness, and integrity of heart; with filial love, and not with slavish fear, which is always a low and tricking thing. For my own part, in what I have meditated upon that subject, I cannot indeed take upon me to say I have the honour to follow the sense of the people. The truth is, I met it on the way, while I was pursuing their interest according to my own ideas. I am happy beyond expression to find that my intentions have so far coincided with theirs, that I have not had cause to be in the least scrupulous to sign their petition, conceiving it to express my own opinions, as nearly as general terms can express the object of particular arrangements.

I am therefore satisfied to act as a fair mediator between government and the people, endeavouring to form a plan which should have both an early and a temperate operation. I mean, that it should be substantial; that it should be systematic. That it should rather strike at the first cause of prodigality and corrupt influence, than attempt to follow them in all their effects.

It was to fulfil the first of these objects (the proposal of something substantial) that I found myself obliged at the outset, to reject a plan proposed by an honourable and attentive member of parliament, (Mr. Gilbert) with very good intentions on his part, about a year or two ago. Sir, the plan I speak of was the tax of 25 per cent. moved upon places and pensions during the continuance of the American war.*—Nothing, Sir, could have met my ideas more than such a tax if it was considered as a practical satire on that war, and as a penalty upon those who led us into it; but in any other view it appeared to me very liable to objections. I considered the scheme as neither substantial, nor permanent, nor systematical, nor likely to be a corrective of evil influence. I have always thought employments a very proper subject of regulation, but a very ill-chosen subject for a tax. An equal tax upon property is reasonable; because the object is of the same quality throughout. The species is the same, it differs only in its

* See Vol. 19, p. 873.

quantity; but a tax upon salaries is totally of a different nature; there can be no equality, and consequently no justice, in taxing them by the hundred in the gross.

We have, Sir, on our establishment, several offices which perform real service—we have also places that provide large rewards for no service at all. We have stations which are made for the public decorum; made for preserving the grace and majesty of a great people—we have likewise expensive formalities, which tend rather to the disgrace than the ornament of the state and the court. This, Sir, is the real condition of our establishments. To fall with the same severity on objects so perfectly dissimilar, is the very reverse of a reformation. I mean a reformation framed, as all serious things ought to be, in number, weight and measure.—Suppose, for instance, that two men receive a salary of 800*l.* a year each.—In the office of one there is nothing at all to be done; in the other, the occupier is oppressed by its duties.—Strike off 25 per cent. from these two offices, you take from one man 200*l.* which in justice he ought to have, and you give in effect to the other 600*l.* which he ought not to receive. The public robs the former, and the latter robs the public; and this mode of mutual robbery is the only way in which the office and the public can make up their accounts.

But the balance in settling the account of this double injustice, is much against the state. The result is short. You purchase a saving of 200*l.* by a profusion of six. Besides, Sir, whilst you leave a supply of unsecured money behind, wholly at the discretion of ministers, they make up the tax to such places as they wish to favour, or in such new places as they may choose to create. Thus the civil list becomes oppressed with debt; and the public is obliged to repay, and to repay with an heavy interest, what it has taken by an injudicious tax. Such has been the effect of the taxes hitherto laid on pensions and employments, and it is no encouragement to recur again to the same expedient.

In effect, such a scheme is not calculated to produce, but to prevent, reformation. It holds out a shadow of present gain to a greedy and necessitous public, to divert their attention from those abuses, which in reality are the great causes of their wants. It is a composition to stay enquiry; it is a fine paid by mismanagement, for the renewal of its lease. What is worse, it is a fine paid by industry and

merit, for an indemnity to the idle and the worthless. But I shall say no more upon this topic, because (whatever may be given out to the contrary) I know that the noble lord in the blue ribbon perfectly agrees with me in these sentiments.

After all that I have said on this subject, I am so sensible, that it is our duty to try every thing which may contribute to the relief of the nation, that I do not attempt wholly to reprobate the idea even of a tax. Whenever, Sir, the incumbrance of useless office (which lies no less a dead weight upon the service of the state, than upon its revenues) shall be removed;—when the remaining offices shall be classed according to the just proportion of their rewards and services, so as to admit the application of an equal rule to their taxation; when the discretionary power over the civil list cash shall be so regulated, that a minister shall no longer have the means of repaying with a private, what is taken by a public hand—if after all these preliminary regulations, it should be thought that a tax on places is an object worthy of the public attention, I shall be very ready to lend my hand to a reduction of their emoluments.

Having thus, Sir, not so much absolutely rejected, as postponed, the plan of a taxation of office,—my next business was to find something which might be really substantial and effectual. I am quite clear, that if we do not go to the very origin and first ruling cause of grievances, we do nothing. What does it signify to turn abuses out of one door, if we are to let them in at another? What does it signify to promote œconomy upon a measure, and to suffer it to be subverted in the principle? Our ministers are far from being wholly to blame for the present ill order which prevails. Whilst institutions directly repugnant to good management are suffered to remain, no effectual or lasting reform can be introduced.

I therefore thought it necessary, as soon as I conceived thoughts of submitting to you some plan of reform, to take a comprehensive view of the state of this country; to make a sort of survey of its jurisdictions, its estates, and its establishments. Something, in every one of them, seemed to me to stand in the way of all œconomy in their administration, and prevented every possibility of methodizing the system. But being, as I ought to be, doubtful of myself, I was resolved not to proceed in an arbitrary manner, in any par-

ticular which tended to change the settled state of things, or in any degree to affect the fortune or situation, the interest or the importance, of any individual. By an arbitrary proceeding, I mean one conducted by the private opinions, tastes, or feelings, of the man who attempts to regulate. These private measures are not standards of the exchequer, nor balances of the sanctuary. General principles cannot be debauched or corrupted by interest or caprice; and by those principles I was resolved to work.

Sir, before I proceed further, I will lay these principles fairly before you, that afterwards you may be in a condition to judge whether every object of regulation, as I propose it, comes fairly under its rule. This will exceedingly shorten all discussion between us, if we are perfectly in earnest in establishing a system of good management. I therefore lay down to myself seven fundamental rules; they might indeed be reduced to two or three simple maxims, but they would be too general, and their application to the several heads of the business before us, would not be so distinct and visible. I conceive then,

1st, That all jurisdictions which furnish more matter of expence, more temptation to oppression, or more means and instruments of corrupt influence, than advantage to justice or political administration, ought to be abolished.

2ndly, That all public estates which are more subservient to the purposes of vexing, overawing, and influencing those who hold under them, and to the expence of perception and management, than of benefit to the revenue, ought, upon every principle, both of revenue and of freedom, to be disposed of.

3dly, That all offices which bring more charge than proportional advantage to the state; that all offices which may be engrafted on others, uniting and simplifying their duties, ought, in the first case, to be taken away; and in the second, to be consolidated.

4thly, That all such offices ought to be abolished, as obstruct the prospect of the general superintendant of finance; which destroy his superintendency, which disable him from foreseeing and providing for charges as they may occur; from preventing expence in its origin, checking it in its progress, or securing its application to its proper purposes. A minister under whom expences can be made without his

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knowledge, can never say what it is that he can spend, or what it is that he can save.

5thly, That it is proper to establish an invariable order in all payments; which will prevent partiality; which will give preference to services, not according to the importunity of the demandant, but the rank and order of their utility or their justice.

6thly, That it is right to reduce every establishment, and every part of an establishment (as nearly as possible) to certainty, the life of all order and good management.

7thly, That all subordinate treasuries, as the nurseries of mismanagement, and as naturally drawing to themselves as much money as they can, keeping it as long as they can, and accounting for it as late as they can, ought to be dissolved. They have a tendency to perplex and distract the public accounts, and to excite a suspicion of government even beyond the extent of their abuse.

Under the authority and with the guidance of those principles, I proceed; wishing that nothing in any establishment may be changed, where I am not able to make a strong, direct, and solid application of those principles, or of some one of them. An œconomical constitution is a necessary basis for an œconomical administration.

First, with regard to the sovereign jurisdictions, I must observe, Sir, that whoever takes a view of this kingdom in a cursory manner, will imagine, that he beholds a solid, compacted, uniform system of monarchy; in which all inferior jurisdictions are but as rays diverging from one centre. But on examining it more nearly, you find much eccentricity and confusion. It is not a monarchy in strictness. But, as in the Saxon times this country was an heptarchy, it is now a strange sort of pentarchy. It is divided into five several distinct principalities, besides the supreme. There is indeed this difference from the Saxon times, that as in the itinerant exhibitions of the stage, for want of a complete company, they are obliged to throw a variety of parts on their chief performer; so our sovereign condescends himself to act, not only the principal but all the subordinate parts in the play. He condescends to dissipate the royal character, and to trifle with those light subordinate lacquered sceptres in those hands that sustain the ball repre-

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senting the world, or which wield the trident that commands the ocean. Cross a brook, and you lose the king of England; but you have some comfort in coming again under his majesty, though "shorn of his beams," and no more than prince of Wales. Go to the north, and you find him dwindled to a duke of Lancaster; turn to the west of that north, and he pops upon you in the humble character of earl of Chester. Travel a few miles on, the earl of Chester disappears; and the king surprises you again as count palatine of Lancaster. If you travel beyond Mount Edgecombe, you find him once more in his incognito, and he is duke of Cornwall. So that, quite fatigued and satiated with this dull variety, you are infinitely refreshed when you return to the sphere of his proper splendor, and behold your amiable sovereign in his true, simple, undisguised, native character of majesty.

In every one of these five principalities, duchies, palatinates, there is a regular establishment of considerable expence, and most domineering influence. As his Majesty submits to appear in this state of subordination to himself, his loyal peers and faithful commons attend his royal transformations; and are not so nice as to refuse to nibble at those crumbs of emoluments, which console their pretty metamorphoses. Thus every one of those principalities has the apparatus of a kingdom, for the jurisdiction over a few private estates; and the formality and charge of the exchequer of Great Britain, for collecting the rents of a country squire. Cornwall is the best of them; but when you compare the charge with the receipt, you will find that it furnishes no exception to the general rule. The duchy and county palatine of Lancaster do not yield, as I have reason to believe, on an average of twenty years, 4,000*l.* a year, clear to the crown. As to Wales, and the county palatine of Chester, I have my doubts, whether their productive exchequer yields any returns at all. Yet one may say, that this revenue is more faithfully applied to its purposes than any of the rest; as it exists for the sole purpose of multiplying offices, and extending influence.

An attempt was lately made to improve this branch of local influence, and to transfer it to the fund of general corruption. I have on the seat behind me, the constitution of Mr. John Probert; a knight-errant dubbed by the noble lord in the blue ribbon, and sent to search for re-

venues and adventures upon the mountains of Wales. The commission is remarkable; and the event not less so. The commission sets forth, that "Upon a report of the deputy auditor, (for there is a deputy auditor) of the principality of Wales, it appeared, that his Majesty's land revenues in the said principality, are greatly diminished;" and "that upon a report of the surveyor general of his Majesty's land revenues, upon a memorial of the auditor of his Majesty's revenues within the said principality, that his mines and forests have produced very little profit either to the public revenue or to individuals;"—and therefore they appoint Mr. Probert, with a pension of 300*l.* a year from the said principality, to try whether he can make any thing more of that very little which is stated to be so greatly diminished. "A beggarly account of empty boxes." And yet, Sir, you will remark—that this diminution from littleness (which serves only to prove the infinite divisibility of matter) was not for want of the tender and officious care (as we see) of surveyors general, and surveyors particular; of auditors and deputy auditors: not for want of memorials, and remonstrances, and reports, and commissions, and constitutions, and inquisitions, and pensions.

Probert, thus armed, and accoutred—and paid, proceeded on his adventure; but he was no sooner arrived on the confines of Wales, than all Wales was in arms to meet him. That nation is brave, and full of spirit. Since the invasion of king Edward, and the massacre of the bards, there never was such a tumult, and alarm, and uproar, through the region of Prestatyn. Snowden shook to its base; Cader Idris was loosened from its foundations. The fury of litigious war blew her horn on the mountains. The rocks poured down their goat-herds, and the deep caverns vomited out their miners. Every thing above ground, and every thing under ground, was in arms.

In short, Sir, to alight from my Welsh Pegasus, and to come to level ground; the *preux chevalier* Probert went to look for revenues like his masters upon other occasions; and like his masters, he found rebellion. But we were grown cautious by experience. A civil war of paper might end in a more serious war; for now remonstrance met remonstrance, and memorial was opposed to memorial. The wise Britons thought it more reasonable that the poor wasted decrepid revenue of

the principality, should die a natural than a violent death. In truth, Sir, the attempt was no less an affront upon the understanding of that respectable people, than it was an attack on their property. They chose rather that their ancient moss-grown castles should moulder into decay, under the silent touches of time, and the slow formality of an oblivious and drowsy exchequer, than that they should be battered down all at once, by the lively efforts of a pensioned engineer. As it is the fortune of the noble lord, to whom the auspices of this campaign belonged, frequently to provoke resistance, so it is his rule and nature to yield to that resistance in all cases whatsoever. He was true to himself on this occasion. He submitted with spirit to the spirited remonstrances of the Welsh. Mr. Probert gave up his adventure, and keeps his pension—and so ends “the famous history of the revenue adventures of the bold baron North, and the good knight Probert, upon the mountains of Venodotia.”

In such a state is the exchequer of Wales at present, that upon the report of the treasury itself, its little revenue is greatly diminished; and we see by the whole of this strange transaction, that an attempt to improve it produces resistance; the resistance produces submission; and the whole ends in pension.*

It is nearly the same with the revenues of the duchy of Lancaster. To do nothing with them is extinction; to improve them is oppression. Indeed, the whole of the estates which support these minor principalities, is made up, not of revenues and rents, and profitable fines, but of claims, of pretensions, of vexations, of litigations. They are exchequers of unfrequent receipt, and constant charge; a system of finances not fit for an œconomist who would be rich; not fit for a prince who would govern his subjects with equity and justice.

It is not only between prince and subject, that these mock jurisdictions, and mimic revenues produce great mischief. They excite among the people a spirit of informing,

and delating; a spirit of supplanting and undermining one another. So that many in such circumstances, conceive it advantageous to them, rather to continue subject to vexation themselves, than to give up the means and chance of vexing others. It is exceedingly common for men to contract their love to their country, into an attachment to its petty subdivisions; and they sometimes even cling to their provincial abuses, as if they were franchises and local privileges. Accordingly, in places, where there is much of this kind of estate, persons will be always found, who would rather trust to their talents in recommending themselves to power for the renewal of their interests, than to incumber their purses, though never so lightly, in order to transmit independence to their posterity. It is a great mistake, that the desire of securing property is universal among mankind. Gaming is a principle inherent in human nature. It belongs to us all. I would therefore break those tables; I would furnish no evil occupation for that spirit. I would make every man look every where, except to the intrigue of a court, for the improvement of his circumstances, or the security of his fortune. I have in my eye a very strong case in the duchy of Lancaster (which lately occupied Westminster-hall, and the House of Lords) as my voucher for many of these reflections.*

For what plausible reason are these principalities suffered to exist? When a government is rendered complex (which in itself is no desirable thing) it ought to be for some political end, which cannot be answered otherwise. Subdivisions in government are only admissible in favour of the dignity of inferior princes, and high nobility; or for the support of an aristocratic confederacy under some head; or for the conservation of the franchises of the people in some privileged province. For the two former of these ends, such are the subdivisions in favour of the electoral and other princes in the empire; for the latter of these purposes are the jurisdiction of the imperial cities, and the Hanse towns. For the latter of these ends are also the countries of the States [Païs d'Etats] and certain cities, and orders in France. These are all regulations with an object, and some of them with a very good

* Here lord North shook his head, and told those who sat near him, that Mr. Probert's pension was to depend on his success. It may be so. Mr. Probert's pension was, however, no essential part of the question; nor did Mr. B. care whether he still possessed it or not. His point was, to shew the ridicule of attempting an improvement of the Welsh revenue under its present establishment.

* Case of Richard Lee, esq. appellant, against George Venables lord Vernon, respondent, in the year 1776.

object. But how are the principles of any of these subdivisions applicable in the case before us?

Do they answer any purpose to the king? The principality of Wales was given by patent to Edward the Black Prince, on the ground on which it has since stood.—Lord Coke sagaciously observes upon it, “That in the charter of creating the Black Prince Edward prince of Wales, there is a great mystery—for less than an estate of inheritance, so great a prince could not have, and an absolute estate of inheritance in so great a principality as Wales (this principality being so dear to him) he should not have; and therefore it was made, ‘sibi et heredibus suis regibus Angliæ,’ that by his decease, or attaining to the crown, it might be extinguished in the crown.”

For the sake of this foolish mystery, of what a great prince could not have less, and should not have so much, of a principality which was too dear to be given, and too great to be kept—and for no other cause that ever I could find—this form and shadow of a principality, without any substance, has been maintained. That you may judge in this instance, (and it serves for the rest) of the difference between a great and a little œconomy, you will please to recollect, Sir, that Wales may be about the tenth part of England in size and population; and certainly not a hundredth part in opulence. Twelve judges perform the whole of the business, both of the stationary and itinerant justice of this kingdom; but for Wales, there are eight judges. There is in Wales an exchequer, as well as in all the duchies, according to the very best and most authentic absurdity of form. There are in all of them, a hundred more difficult trifles and laborious fooleries, which serve no other purpose than to keep alive corrupt hope and servile dependence.

These principalities are so far from contributing to the ease of the king, to his wealth, or his dignity, that they render both his supreme and his subordinate authority, perfectly ridiculous. It was but the other day, that that pert, factious fellow, the duke of Lancaster, presumed to fly in the face of his liege lord, our gracious sovereign; and associating with a parcel of lawyers as factious as himself, to the destruction of all law and order, and in committees leading directly to rebellion—presumed to go to law with the king. The object is neither your business, nor mine. Which of the parties got the better,

I really forget. I think it was (as it ought to be) the King. The material point is, that the suit cost about fifteen thousand pounds. But as the duke of Lancaster is but a sort of duke Humphrey, and not worth a groat, our sovereign was obliged to pay the costs of both. Indeed this art of converting a great monarch into a little prince, this royal masquerading, is a very dangerous and expensive amusement; and one of the King's *menus plaisirs* which ought to be reformed. This duchy, which is not worth four thousand pounds a year at best, to revenue, is worth forty or fifty thousand to influence.

The duchy of Lancaster, and the county palatine of Lancaster, answered, I admit, some purpose in their original creation. They tended to make a subject imitate a prince. When Henry the 4th from that stair ascended the throne, high-minded as he was, he was not willing to kick away the ladder. To prevent that principality from being extinguished in the crown, he severed it by act of parliament. He had a motive, such as it was; he thought his title to the crown unsound, and his possession insecure. He therefore managed a retreat in his duchy; which lord Coke calls (I do not know why) *par multis regnis*. He flattered himself that it was practicable to make a projecting point half way down, to break his fall from the precipice of royalty; as if it were possible for one who had lost a kingdom to keep any thing else. However, it is evident that he thought so. When Henry the 5th united, by act of parliament, the estates of his mother to the duchy, he had the same predilection with his father, to the root of his family honours, and the same policy in enlarging the sphere of a possible retreat from the slippery royalty of the two great crowns he held. All this was changed by Edward the 4th. He had no such family partialities, and his policy was the reverse of that of Henry the 4th and Henry the 5th. He accordingly again united the duchy of Lancaster to the crown. But when Henry the 7th, who chose to consider himself as of the House of Lancaster, came to the throne, he brought with him the old pretensions, and the old politics of that house. A new act of parliament, a second time, dissevered the duchy of Lancaster from the crown: and in that line things continued until the subversion of the monarchy, when principalities and powers fell along with the throne. The duchy of Lancaster must have been extin-

guished, if Cromwell, who began to form ideas of aggrandizing his house, and raising the several branches of it, had not caused the duchy to be again separated from the commonwealth, by an act of the parliament of those times.

What partiality, what objects of the politics of the House of Lancaster, or of Cromwell, has his present Majesty, or his Majesty's family? What power have they within any of these principalities, which they have not within their kingdom? In what manner is the dignity of the nobility concerned in these principalities? What rights have the subject there, which they have not at least equally in every other part of the nation? These distinctions exist for no good end to the king, to the nobility, or to the people. They ought not to exist at all. If the crown (contrary to its nature, but most conformably to the whole tenor of the advice that has been lately given) should so far forget its dignity, as to contend, that these jurisdictions and revenues are estates of private property, I am rather for acting as if that groundless claim were of some weight, than for giving up that essential part of the reform. I would value the clear income, and give a clear annuity to the crown, taken on the medium produce for twenty years.

If the crown has any favourite name or title, if the subject has any matter of local accommodation within any of these jurisdictions, it is meant to preserve them; and to improve them, if any improvement can be suggested. As to the crown reversions, or titles upon the property of the people there, it is proposed to convert them from a snare to their independence, into a relief from their burdens. I propose, therefore, to unite all the five principalities to the crown, and to its ordinary jurisdiction,—to abolish all those offices that produce an useless and chargeable separation from the body of the people,—to compensate those who do not hold their offices (if any such there are) at the pleasure of the crown,—to extinguish vexatious titles by an act of short limitation,—to sell those unprofitable estates which support useless jurisdictions, and to turn the tenant-right into a fee, on such moderate terms as will be better for the state than its present right, and which it is impossible for any rational tenant to refuse.

As to the duchies, their judicial economy may be provided for without charge. They have only to fall of course into the

common county administration. A commission more or less made or omitted, settles the matter fully. As to Wales, it has been proposed to add a judge to the several courts of Westminster-hall; and it has been considered as an improvement in itself. For my part, I cannot pretend to speak upon it with clearness or with decision; but certainly this arrangement would be more than sufficient for Wales. My original thought was to suppress five of the eight judges; and to leave the chief justice of Chester, with the two senior judges; and, to facilitate the business, to throw the twelve counties into six districts, holding the sessions alternately in the counties of which each district shall be composed. But on this I shall be more clear, when I come to the particular bill.

Sir, the House will now see whether, in praying for judgment against the minor principalities, I do not act in conformity to the laws that I had laid to myself, of getting rid of every jurisdiction more subservient to oppression and expence, than to any end of justice or honest policy; of abolishing offices more expensive than useful; of combining duties improperly separated; of changing revenues more vexatious than productive, into ready money; of suppressing offices which stand in the way of economy: and of cutting off lurking subordinate treasuries. Dispute the rules; controvert the application; or give your hands to this salutary measure.

Most of the same rules will be found applicable to my second object—the landed estate of the crown. A landed estate is certainly the very worst which the crown can possess. All minute and dispersed possessions, possessions that are often of indeterminate value, and which require a continued personal attendance, are of a nature more proper for private management, than public administration. They are fitter for the care of a frugal land steward, than of an office in the state. Whatever they may possibly have been in other times, or in other countries, they are not of magnitude enough with us, to occupy a public department, nor to provide for a public object. They are already given up to parliament, and the gift is not of great value. Common prudence dictates even in the management of private affairs, that all dispersed and chargeable estates should be sacrificed to the relief of estates more compact and better circumstanced.

If it be objected, that these lands at pre-

sent would sell at a low market; this is answered, by shewing that money is at a high price. The one balances the other. Lands sell at the current rate, and nothing can sell for more. But be the price what it may, a great object is always answered, whenever any property is transferred from hands that are not fit for that property, to those that are. The buyer and seller must mutually profit by such a bargain; and, what rarely happens in matters of revenue, the relief of the subject will go hand in hand with the profit of the exchequer.

As to the forest lands, in which the crown has (where they are not granted or prescriptively held) the dominion of the soil, and the vert and venison; that is to say, the timber and the game, and in which the people have a variety of rights, in common of herbage, and other commons, according to the usage of the several forests; I propose to have those rights of the crown valued as manerial rights are valued on an inclosure; and a defined portion of land to be given for them; which land is to be sold for the public benefit.

As to the timber, I propose a survey of the whole. What is useless for the naval purposes of the kingdom, I would condemn, and dispose of for the security of what may be useful; and to inclose such other parts as may be most fit to furnish a perpetual supply; wholly extinguishing, for a very obvious reason, all right of venison in those parts.

The forest rights which extend over the lands and possessions of others, being of no profit to the crown, and a grievance, as far as it goes, to the subject; these I propose to extinguish without charge to the proprietors. The several commons are to be allotted and compensated for, upon ideas which I shall hereafter explain. They are nearly the same with the principles upon which you have acted in private inclosures. I shall never quit precedents where I find them applicable. For those regulations and compensations, and for every other part of the detail, you will be so indulgent as to give me credit for the present.

The revenue to be obtained from the sale of the forest lands and rights, will not be so considerable, I believe, as many people have imagined; and I conceive it would be unwise to screw it up to the utmost, or even to suffer bidders to enhance, according to their eagerness, the purchase of objects, wherein the expence of that

purchase may weaken the capital to be employed in their cultivation. This, I am well aware, might give room for partiality in the disposal. In my opinion it would be the lesser evil of the two. But I really conceive, that a rule of fair preference might be established, which would take away all sort of unjust and corrupt partiality. The principal revenue which I propose to draw from these uncultivated wastes, is to spring from the improvement and population of the kingdom; which never can happen, without producing an improvement more advantageous to the revenues of the crown, than the rents of the best landed estate which it can hold. I believe, Sir, it will hardly be necessary for me to add, that in this sale I naturally except all the houses, gardens, and parks, belonging to the crown, and such one forest as shall be chosen by his Majesty, as best accommodated to his pleasures.

By means of this part of the reform, will fall the expensive office of surveyor general, with all the influence that attends it. By this will fall two chief justices in eyre, with all their train of dependents. You need be under no apprehension, Sir, that your office is to be touched in its emoluments; they are yours by law; and they are but a moderate part of the compensation which is given to you for the ability with which you execute an office of quite another sort of importance; it is far from overpaying your diligence; or more than sufficient for sustaining the high rank you stand in, as the first gentleman of England. As to the duties of your chief justiceship, they are very different from those for which you have received the office. Your dignity is too high for a jurisdiction over wild beasts; and your learning and talents too valuable to be wasted as chief justice of a desert. I cannot reconcile it to myself, that you, Sir, should be stuck up as an useless piece of antiquity.

I have now disposed of the unprofitable landed estates of the crown, and thrown them into the mass of private property; by which they will come, through the course of circulation, and through the political secretions of the state, into our better understood and better ordered revenues.

I come next to the great supreme body of the civil government itself. I approach it with that awe and reverence with which a young physician approaches to the cure of the disorders of his parent. Disorders,

Sir, and infirmities, there are—such disorders, that all attempts towards method, prudence, and frugality, will be perfectly vain, whilst a system of confusion remains, which is not only alien, but adverse to all œconomy; a system, which is not only prodigal in its very essence, but causes every thing else which belongs to it to be prodigally conducted.

It is impossible, Sir, for any person to be an œconomist where no order in payments is established; it is impossible for a man to be an œconomist, who is not able to take a comparative view of his means, and of his expences, for the year which lies before him; it is impossible for a man to be an œconomist, under whom various officers in their several departments may spend,—even just what they please,—and often with an emulation of expence, as contributing to the importance, if not profit, of their several departments. Thus much is certain; that neither the present, nor any other first lord of the Treasury, has been ever able to take a survey, or to make even a tolerable guess, of the expences of government for any one year; so as to enable him with the least degree of certainty, or even probability, to bring his affairs within compass. Whatever scheme may be formed upon them, must be made on a calculation of chances. As things are circumstanced, the first lord of the Treasury cannot make an estimate. I am sure I serve the king, and I am sure I assist administration, by putting œconomy at least in their power. We must class services; we must (as far as their nature admits) appropriate funds; or every thing, however reformed, will fall again into the old confusion.

Coming upon this ground of the civil list, the first thing in dignity and charge that attracts our notice, is the royal household. This establishment, in my opinion, is exceedingly abusive in its constitution. It is formed upon manners and customs that have long since expired. In the first place, it is formed, in many respects, upon feudal principles. In the feudal times, it was not uncommon, even among subjects, for the lowest offices to be held by considerable persons; persons as unfit by their incapacity, as improper from their rank, to occupy such employments. They were held by patent, sometimes for life, and sometimes by inheritance. If my memory does not deceive me, a person of no slight consideration held the office of patent hereditary cook to an earl of Warwick—the earl of

Warwick's soups, I fear, were not the better for the dignity of his kitchen. I think it was an earl of Gloucester, who officiated as steward of the household to the archbishops of Canterbury. Instances of the same kind may in some degree be found in the Northumberland house-book, and other family records. There was some reason in ancient necessities, for these ancient customs. Protection was wanted; and the domestic tie, though not the highest, was the closest.

The king's household has not only several strong traces of this feudality, but it is formed also upon the principles of a body corporate; it has its own magistrates, courts, and by-laws. This might be necessary in the ancient times, in order to have a government within itself, capable of regulating the vast and often unruly multitude which composed and attended it. This was the origin of the ancient court called the Green Cloth—composed of the marshal, treasurer, and other great officers of the household, with certain clerks. The rich subjects of the kingdom, who had formerly the same establishments (only on a reduced scale) have since altered their œconomy; and turned the course of their expence from the maintenance of vast establishments within their walls, to the employment of a great variety of independent trades abroad. Their influence is lessened; but a mode of accommodation, and a style of splendour, suited to the manners of the times, has been increased. Royalty itself has insensibly followed; and the royal household has been carried away by the resistless tide of manners: but with this very material difference—private men have got rid of the establishments along with the reasons of them; whereas the royal household has lost all that was stately and venerable in the antique manners, without retrenching any thing of the cumbrous charge of a gothic establishment. It is shrunk into the polished littleness of modern elegance and personal accommodation; it has evaporated from the gross concrete, into an essence and rectified spirit of expence, where you have tuns of ancient pomp in a vial of modern luxury.

But when the reason of old establishments is gone, it is absurd to preserve nothing but the burthen of them. This is superstitiously to embalm a carcass—not worth an ounce of the gums that are used to preserve it. It is to burn precious oils in the tomb; it is to offer meat and drink

to the dead,—not so much an honour to the deceased, as a disgrace to the survivors. Our palaces are vast inhospitable halls. There the bleak winds, there “Boreas, and Eurus, and Caurus, and Argestes loud,” howling through the vacant lobbies, and clattering the doors of deserted guard-rooms, appal the imagination, and conjure up the grim spectres of departed tyrants—the Saxon, the Norman, and the Dane; the stern Edwards and fierce Henries—who stalk from desolation to desolation, through the dreary vacuity, and melancholy succession of chill and comfortless chambers. When this tumult subsides, a dead, and still more frightful silence would reign in this desert, if every now and then the tacking of hammers did not announce, that those constant attendants upon all courts in all ages, jobs, were still alive; for whose sake alone it is, that any trace of ancient grandeur is suffered to remain. These palaces are a true emblem of some governments; the inhabitants are decayed, but the governors and magistrates still flourish. They put me in mind of Old Sarum, where the representatives, more in number than the constituents, only serve to inform us, that this was once a place of trade, and sounding with “the busy hum of men,” though now you can only trace the streets by the colour of the corn; and its sole manufacture is in members of parliament.

These old establishments were formed also on a third principle, still more adverse to the living œconomy of the age. They were formed, Sir, on the principle of purveyance, and receipt in kind. In former days, when the household was vast, and the supply scanty and precarious, the royal purveyors, sallying forth from under the gothic portcullis, to purchase provision with power and prerogative, instead of money, brought home the plunder of a hundred markets, and all that could be seized from a flying and hiding country, and deposited their spoil in a hundred caverns, with each its keeper. There, every commodity, received in its rawest condition, went through all the process which fitted it for use. This inconvenient receipt produced an œconomy suited only to itself. It multiplied offices beyond all measure; buttery, pantry, and all that rabble of places, which, though profitable to the holders, and expensive to the state, are almost too mean to mention.

All this might be, and I believe was, necessary at first; for it is remarkable,

that purveyance, after its regulation had been the subject of a long line of statutes (not fewer, I think, than twenty-six) was wholly taken away by the 12th of Charles the 2nd; yet in the next year of the same reign, it was found necessary to revive it by a special act of parliament, for the sake of the king's journies. This, Sir, is curious; and what would hardly be expected in so reduced a court as that of Charles the 2nd, and so improved a country as England might then be thought. But so it was. In our time, one well filled and well covered stage-coach requires more accommodation than a royal progress; and every district, at an hour's warning, can supply an army.

I do not say, Sir, that all these establishments, whose principle is gone, have been systematically kept up for influence solely: neglect had its share. But this I am sure of, that a consideration of influence has hindered any one from attempting to pull them down. For the purposes of influence, and for those purposes only, are retained half at least of the household establishments. No revenue, no not a royal revenue, can exist under the accumulated charge of ancient establishment, modern luxury, and parliamentary political corruption.

If therefore we aim at regulating this household, the question will be, whether we ought to œconomise by detail, or by principle? The example we have had of the success of an attempt to œconomize by detail, and under establishments adverse to the attempt, may tend to decide this question.

At the beginning of his Majesty's reign, lord Talbot came to the administration of a great department in the household. I believe no man ever entered into his Majesty's service, or into the service of any prince, with a more clear integrity, or with more zeal and affection for the interest of his master; and I must add, with abilities for a still higher service. Œconomy was then announced as a maxim of the reign. This noble lord, therefore, made several attempts towards a reform. In the year 1777, when the King's civil list debts came last to be paid, he explained very fully the success of his undertaking. He told the House of Lords, that he had attempted to reduce the charges of the King's tables, and his kitchen.—The thing, Sir, was not below him. He knew that there is nothing interesting in the concerns of men, whom we love and honour, that is beneath

our attention.—“Love,” says one of our old poets, “esteems no office mean ;” and with still more spirit, “entire affection scorneth nicer hands.” Frugality, Sir, is founded on the principle, that all riches have limits. A royal household, grown enormous, even in the meanest departments, may weaken and perhaps destroy all energy in the highest offices of the state. The gorging a royal kitchen may stint and famish the negotiations of a kingdom. Therefore the object was worthy of his, was worthy of any man’s attention.

In consequence of this noble lord’s resolution, (as he told the other House) he reduced several tables, and put the persons entitled to them upon board wages, much to their own satisfaction. But unluckily, subsequent duties requiring constant attendance, it was not possible to prevent their being fed where they were employed—and thus this first step towards œconomy doubled the expence.

There was another disaster far more doleful than this. I shall state it, as the cause of that misfortune lies at the bottom of almost all our prodigality. Lord Talbot attempted to reform the kitchen; but such, as he well observed, is the consequence of having duty done by one person, whilst another enjoys the emoluments, that he found himself frustrated in all his designs. On that rock his whole adventure split.—His whole scheme of œconomy was dashed to pieces; his department became more expensive than ever;—the civil list debt accumulated—Why? It was truly from a cause, which, though perfectly adequate to the effect, one would not have instantly guessed;—It was because the “turnspit in the king’s kitchen was a member of parliament.”* The king’s domestic servants were all undone; his tradesmen remained unpaid, and became bankrupt—because the turnspit of the king’s kitchen was a member of parliament. His majesty’s slumbers were interrupted, his pillow was stuffed with thorns, and his peace of mind entirely broken—because the king’s turnspit was a member of parliament. The judges were unpaid; the justice of the kingdom bent and gave way; the foreign ministers remained inactive and unprovided; the system of Europe was dissolved; the chain of our alliances was broken; all the wheels

of government at home and abroad were stopped—because the king’s turnspit was a member of parliament.

Such, Sir, was the situation of affairs, and such the cause of that situation, when his Majesty came a second time to parliament, to desire the payment of those debts which the employment of its members in various offices, visible and invisible, had occasioned. I believe that a like fate will attend every attempt at œconomy by detail, under similar circumstances, and in every department. A complex operose office of account and controul, is, in itself, and even if members of parliament had nothing to do with it, the most prodigal of all things. The most audacious robberies, or the most subtle frauds, would never venture upon such a waste, as an over careful, detailed guard against them will infallibly produce. In our establishments, we frequently see an office of account, of 100*l.* a year expence, and another office of an equal expence, to controul that office, and the whole upon a matter that is not worth twenty shillings.

To avoid, therefore, this minute care which produces the consequences of the most extensive neglect, and to oblige members of parliament to attend to public cares, and not to the servile offices of domestic management, I propose, Sir, to œconomize by principle, that is, I propose to put affairs into that train which experience points out as the most effectual, from the nature of things, and from the constitution of the human mind. In all dealings where it is possible, the principles of radical œconomy prescribe three things; first, undertaking by the great; secondly, engaging with persons of skill in the subject matter; thirdly, engaging with those who shall have an immediate and direct interest in the proper execution of the business.

To avoid frittering and crumbling down the attention by a blind unsystematic observance of every trifle, it has ever been found the best way to do all things which are great in the total amount, and minute in the component parts, by a general contract. The principles of trade have so pervaded every species of dealing, from the highest to the lowest objects; all transactions are got so much into system, that we may, at a moment’s warning, and to a farthing value, be informed at what rate any service may be supplied. No dealing is exempt from the possibility of fraud. But by a contract on a matter certain, you have

* Vide lord Talbot’s Speech in the House of Lords, Vol. 19, p. 176.

this advantage—you are sure to know the utmost extent of the fraud to which you are subject. By a contract with a person in his own trade, you are sure you shall not suffer by want of skill. By a short contract you are sure of making it the interest of the contractor to exert that skill for the satisfaction of his employers.

I mean to derogate nothing from the diligence or integrity of the present, or of any former board of green-cloth. But what skill can members of parliament obtain in that low kind of province? What pleasure can they have in the execution of that kind of duty? And if they should neglect it, how does it affect their interest, when we know that it is their vote in parliament, and not their diligence in cookery or catering, that recommends them to their office, or keeps them in it?

I therefore propose, that the King's tables (to whatever number of tables, or covers to each, he shall think proper to command) should be classed by the steward of the household, and should be contracted for, according to their rank, by the head or cover;—that the estimate and circumstance of the contract should be carried to the Treasury to be approved; and that its faithful and satisfactory performance should be reported there previous to any payment; that there, and there only, should the payment be made. I propose, that men should be contracted with only in their proper trade; and that no member of parliament should be capable of such contract. By this plan, almost all the infinite offices under the lord steward may be spared; to the extreme simplification, and to the far better execution of every one of his functions. The king of Prussia is so served. He is a great and eminent (though indeed a very rare) instance of the possibility of uniting in a mind of vigour and compass, an attention to minute objects, with the largest views, and the most complicated plans. His tables are served by contract, and by the head. Let me say, that no prince can be ashamed to imitate the king of Prussia; and particularly to learn in his school, when the problem is—"The best manner of reconciling the state of a court with the support of war?" Other courts, I understand, have followed him with effect, and to their satisfaction.

The same clue of principle leads us through the labyrinth of the other departments. What, Sir, is there in the office of the great wardrobe (which has the care

of the King's furniture) that may not be executed by the Lord Chamberlain himself? He has an honourable appointment? He has time sufficient to attend to the duty; and he has the vice chamberlain to assist him. Why should not he deal also by contract, for all things belonging to this office, and carry his estimates first, and his report of the execution in its proper time, for payment, directly to the board of Treasury itself? By a simple operation (containing in it a treble controul) the expences of a department, which for naked walls, or walls hung with cobwebs, has in a few years cost the crown 150,000*l.* may at length hope for regulation. But, Sir, the office and its business are at variance. As it stands, it serves not to furnish the palace with its hangings, but the parliament with its dependent members.

To what end, Sir, does the office of removing wardrobe serve at all? Why should a jewel office exist for the sole purpose of taxing the King's gifts of plate? Its object falls naturally within the Chamberlain's province; and ought to be under his care and inspection without any fee. Why should an office of the robes exist, when that of groom of the stole is a sinecure, and that this is a proper object of his department?

All these incumbrances, which are themselves nuisances, produce other incumbrances, and other nuisances. For the payment of these useless establishments, there are no less than three useless treasurers; two to hold a purse, and one to play with a stick. The treasurer of the household is a mere name. The conferrer, and the treasurer of the chamber receive and pay great sums, which it is not at all necessary they should either receive or pay. All the proper officers, servants, and tradesmen, may be inrolled in their several departments, and paid in proper classes and times with great simplicity and order, at the exchequer, and by direction from the treasury.

The Board of Works, which in the seven years preceding 1777, has cost towards 400,000*l.*;* and (if I recollect rightly) has not cost less in proportion from the beginning of the reign, is under the very same description of all the other ill-contrived establishments, and calls for the very same reform. We are to seek for the visible signs of all this expence.—For all this expence, we do not see a building

* More exactly 378,616*l.* 10*s.* 1*½d.*

of the size and importance of a pigeon-house. Buckingham-house was reprinted by a bargain with the public for 100,000*l.*;—and the small house at Windsor has been, if I mistake not, undertaken since that account was brought before us. The good works of that board of works, are as carefully concealed as other good works ought to be; they are perfectly invisible. But though it is the perfection of charity to be concealed, it is, Sir, the property and glory of magnificence, to appear and stand forward to the eye.

That board, which ought to be a concern of builders, and such like, and of none else, is turned into a junto of members of parliament. That office too has a treasury, and a paymaster of its own; and lest the arduous affairs of that important exchequer should be too fatiguing, that paymaster has a deputy to partake his profits, and relieve his cares. I do not believe, that either now or in former times, the chief managers of that board have made any profit of its abuse. It is, however, no good reason that an abusive establishment should subsist, because it is of as little private as of public advantage. But this establishment has the grand radical fault, the original sin, that pervades and perverts all our establishments; the apparatus is not fitted to the object, nor the workmen to the work. Expences are incurred on the private opinion of an inferior establishment, without consulting the principal; who can alone determine the proportion which it ought to bear to the other establishments of the state, in the order of their relative importance.

I propose, therefore, along with the rest, to pull down this whole ill-contrived scaffolding, which obstructs, rather than forwards our public works; to take away its treasury; to put the whole into the hands of a real builder, who shall not be a member of parliament; and to oblige him by a previous estimate and final payment, to appear twice at the treasury before the public can be loaded. The King's gardens are to come under a similar regulation.

The Mint, though not a department of the household, has the same vices. It is a great expence to the nation, chiefly for the sake of members of parliament. It has its officers of parade and dignity. It has its treasury too. It is a sort of corporate body; and formerly was a body of great importance; as much so on the then scale of things, and the then order of business, as the Bank is at this day. It was the

great centre of money transactions and remittances for our own, and for other nations; until king Charles the 1st, among other arbitrary projects, dictated by despotic necessity, made it withhold the money that lay there for remittance. That blow (and happily too) the Mint never recovered. Now it is no bank; no remittance-shop. The Mint, Sir, is a manufacture, and it is nothing else; and it ought to be undertaken upon the principles of a manufacture; that is, for the best and cheapest execution, by a contract upon proper securities, and under proper regulations.

The Artillery is a far greater object; it is a military concern; but having an affinity and kindred in its defects with the establishments I am now speaking of, I think it best to speak of it along with them. It is, I conceive, an establishment not well suited to its martial, though exceedingly well calculated for its parliamentary purposes.—Here there is a treasury, as in all the other inferior departments of government. Here the military is subordinate to the civil, and the naval confounded with the land service. The object indeed is much the same in both. But when the detail is examined, it will be found that they had better be separated. For a reform of this office, I propose to restore things to what (all considerations taken together) is their natural order: to restore them to their just proportion, and to their just distribution. I propose, in this military concern, to render the civil subordinate to the military; and this will annihilate the greatest part of the expence, and all the influence belonging to the office. I propose to send the military branch to the army, and the naval to the admiralty: and I intend to perfect and accomplish the whole detail (where it becomes too minute and complicated for legislature, and requires exact, official, military, and mechanical knowledge) by a commission of competent officers in both departments. I propose to execute by contract, what by contract can be executed; and to bring, as much as possible, all estimates to be previously approved, and finally to be paid by the Treasury.

Thus, by following the course of nature, and not the purposes of politics, or the accumulated patchwork of occasional accommodation, this vast expensive department may be methodized; its service proportioned to its necessities, and its payments subjected to the inspection of the

superior minister of finance; who is to judge of it on the result of the total collective exigencies of the state. This last is a reigning principle through my whole plan; and it is a principle which I hope may hereafter be applied to other plans.

By these regulations taken together—besides the three subordinate treasuries in the lesser principalities, five other subordinate treasuries are suppressed. There is taken away the whole establishment of detail in the household; the Treasurer;—the Comptroller (for a comptroller is hardly necessary where there is no treasurer) the Cofferer of the Household; the Treasurer of the Chamber; the Master of the Household; the whole Board of Green Cloth;—and a vast number of subordinate offices in the department of the Steward of the Household;—the whole establishment of the Great Wardrobe;—the Removing Wardrobe;—the Jewel Office;—the Robes; the Board of Works; almost the whole charge of the civil branch of the Board of Ordnance are taken away. All these arrangements together will be found to relieve the nation from a vast weight of influence, without distressing, but rather by forwarding every public service. When something of this kind is done, then the public may begin to breathe. Under other governments, a question of expence is only a question of œconomy, and it is nothing more; with us, in every question of expence, there is always a mixture of constitutional considerations.

It is, Sir, because I wish to keep this business of subordinate treasuries as much as I can together, that I brought the Ordnance-office before you, though it is properly a military department. For the same reason I will now trouble you with my thoughts and propositions upon two of the greatest under treasuries, I mean the office of Paymaster of the Land Forces, or Treasurer of the Army; and that of the Treasurer of the Navy. The former of these has long been a great object of public suspicion and uneasiness. Envy too has had its share in the obloquy which is cast upon this office. But I am sure that it has no share at all in the reflections I shall make upon it, or in the reformatations that I shall propose. I do not grudge to the honourable gentleman who at present holds the office, any of the effects of his talents, his merit, or his fortune. He is respectable in all these particulars. I follow the constitution of the office without persecuting its holder. It is necessary in

all matters of public complaint, where men frequently feel right and argue wrong, to separate prejudice from reason; and to be very sure, in attempting the redress of a grievance, that we hit upon its real seat, and its true nature. Where there is an abuse in office, the first thing that occurs in heat is to censure the officer. Our natural disposition leads all our enquiries rather to persons than to things. But this prejudice is to be corrected by maturer thinking.

Sir, the profits of the Pay-office (as an office) are not too great, in my opinion, for its duties, and for the rank of the person who has generally held it. He has been generally a person of the highest rank; that is to say, a person of eminence and consideration in this House. The great and the invidious profits of the Pay-office are from the bank that is held in it. According to the present course of the office, and according to the present mode of accounting there, this bank must necessarily exist somewhere. Money is a productive thing; and when the usual time of its demand can be tolerably calculated, it may, with prudence, be safely laid out to the profit of the holder. It is on this calculation that the business of banking proceeds. But no profit can be derived from the use of money, which does not make it the interest of the holder to delay his account. The process of the Exchequer colludes with this interest. Is this collusion from its want of rigour and strictness, and great regularity of form? The reverse is true. They have in the Exchequer brought rigour and formalism to their ultimate perfection. The process against accountants is so rigorous, and in a manner so unjust, that correctives must, from time to time, be applied to it. These correctives being discretionary, upon the case, and generally remitted by the barons to the lords of the Treasury, as the best judges of the reasons for respite, hearings are had; delays are produced; and thus the extreme of rigour in office (as usual in all human affairs) leads to the extreme of laxity. What with the interested delay of the officer; the ill-conceived exactness of the court; the applications for dispensations from that exactness; the revival of rigorous process, after the expiration of the time; and the new rigours producing new applications, and new enlargements of time, such delays happen in the public accounts, that they can scarcely ever be closed.

Besides, Sir, they have a rule in the Exchequer, which, I believe, they have founded upon a very ancient statute, that of the 51st of Henry 3, by which it is provided, "That when a sheriff or bailiff hath began his account, none other shall be received to account until he that was first appointed hath clearly accounted, and that the sum has been received*." Whether this clause of that statute be the ground of that absurd practice, I am not quite able to ascertain. But it has very generally prevailed, though I am told that of late they began to relax from it. In consequence of forms adverse to substantial account, we have a long succession of paymasters and their representatives, who have never been admitted to account, although perfectly ready to do so.

As the extent of our wars has scattered the accountants under the paymaster into every part of the globe, the grand and sure paymaster, Death, in all his shapes, calls these accountants to another reckoning. Death, indeed, domineers over every thing, but the forms of the Exchequer. Over these he has no power. They are impassive and immortal. The audit of the Exchequer, more severe than the audit to which the accountants are gone, demands proofs which in the nature of things are difficult, sometimes impossible to be had. In this respect too, rigour, as usual, defeats itself. Then, the Exchequer never gives a particular receipt, or clears a man of his account, as far as it goes. A final acquittance, (or a *quietus*, as they term it) is scarcely ever to be obtained. Terrors and ghosts of unlaid accountants, haunt the houses of their children from generation to generation. Families, in the course of succession, fall into minorities; the inheritance comes into the hands of females; and very perplexed affairs are often delivered over into the hands of negligent guardians and faithless stewards. So that the demand remains, when the advantage of the money is gone, if ever any advantage at all has been made of it. This is a cause of infinite distress to families; and becomes a source of influence to an extent, that can scarcely be imagined, but by those who have taken some pains to trace it. The mildness of government in the em-

ployment of useless and dangerous powers, furnishes no reason for their continuance.

As things stand, can you in justice (except perhaps in that over-perfect kind of justice which has obtained, by its merits, the title of the opposite vice*) insist that any man should, by the course of his office, keep a bank from whence he is to derive no advantage? That a man should be subject to demands below, and be in a manner refused an acquittance above; that he should transmit an original sin, and inheritance of vexation to his posterity, without a power of compensating himself in some way or other, for so perilous a situation? We know, that if the paymaster should deny himself the advantages of his bank, the public, as things stand, is not the richer for it by a single shilling. This I thought it necessary to say, as to the offensive magnitude of the profits of this office; that we may proceed in reformation, on the principles of reason, and not on the feelings of envy.

The treasurer of the navy is, *mutatis mutandis*, in the same circumstances. Indeed all accountants are. Instead of the present mode, which is troublesome to the officer and unprofitable to the public, I propose to substitute something more effectual than rigour, which is the worst exactor in the world. I mean to remove the very temptations to delay; to facilitate the account; and to transfer this bank, now of private emolument, to the public. The crown will suffer no wrong at least from the pay-offices; and its terrors will no longer reign over the families of those who hold, or have held them. I propose that these offices should be no longer banks or treasuries, but mere offices of administration.—I propose, first, that the present paymaster and the treasurer of the navy, should carry into the exchequer, the whole body of the vouchers for what they have paid over to the deputy pay-masters, to regimental agents, or to any of those to whom they have and ought to have paid money. I propose that those vouchers shall be admitted as actual payments in their accounts; and that the persons to whom the money has been paid, shall then stand charged in the exchequer in their place. After this process, they shall be debited or charged for nothing but the money-balance that remains in their hands.

I am conscious, Sir, that if this balance

* Et quant viscount ou bailiff ait commence de accomplir, nul autre ne seït resceu de acconter tanque le primer qe soit assis eit peracompte, et que la somme soit resceu. Stat. 5. Ann. Dom. 1266.

* Summum jus summa injuria.

(which they could not expect to be so suddenly demanded by any usual process of the exchequer) should now be exacted all at once, not only their ruin, but a ruin of others to an extent which I do not like to think of, but which I can well conceive, and which you may well conceive, might be the consequence. I told you, Sir, when I promised before the holidays to bring in this plan, that I never would suffer any man or description of men, to suffer from errors that naturally have grown out of the abusive constitution of those offices which I propose to regulate. If I cannot reform with equity, I will not reform at all.

For the regulation of past accounts, I shall therefore propose such a mode, as men, temperate and prudent, make use of in the management of their private affairs, when their accounts are various, perplexed, and of long standing. I would therefore, after their example, divide the public debts into three sorts; good; bad; and doubtful. In looking over the public accounts, I should never dream of the blind mode of the exchequer, which regards things in the abstract, and knows no difference in the quality of its debts, or the circumstances of its debtors. By this means, it fatigues itself; it vexes others; it often crushes the poor; it lets escape the rich; or in a fit of mercy or carelessness, declines all means of recovering its just demands. Content with the eternity of its claims, it enjoys its epicurean divinity with epicurean languor. But it is proper that all sorts of accounts should be closed some time or other—by payment; by composition; or by oblivion. *Expedit reipublicæ ut sit finis litium.* Constantly taking along with me, that an extreme rigour is sure to arm every thing against it, and at length to relax into a supine neglect, I propose, Sir, that even the best, soundest, and the most recent debts, should be put into instalments, for the mutual benefit of the accountant and the public.

In proportion, however, as I am tender of the past, I would be provident of the future. All money that was formerly imprested to the two great pay-offices, I would have imprested in future to the Bank of England. These offices should in future, receive no more than cash sufficient for small payments. Their other payments ought to be made by drafts on the Bank expressing the service. A check account from both offices, of drafts and

receipts, should be annually made up in the exchequer, charging the Bank in the account, with the cash-balance, but not demanding the payment until there is an order from the Treasury, in consequence of a vote of parliament.

As I did not, Sir, deny to the paymaster the natural profits of the bank that was in his hands, so neither would I to the Bank of England. A share of that profit might be derived to the public in various ways. My favourite mode is this; that, in compensation for the use of this money, the Bank may take upon themselves, first the charge of the mint; to which they are already, by their charter, obliged to bring in a great deal of bullion annually to be coined.

In the next place, I mean that they should take upon themselves the charge of remittances to our troops abroad. This is a species of dealing from which, by the same charter, they are not debarred. One and a quarter per cent. will be saved instantly thereby to the public, on very large sums of money. This will be at once a matter of œconomy, and a considerable reduction of influence, by taking away a private contract of an expensive nature. If the Bank, which is a great corporation, and of course receives the least profits from the money in their custody, should of itself refuse, or be persuaded to refuse this offer upon those terms, I can speak with some confidence, that one at least, if not both parts of the condition would be received, and gratefully received, by several bankers of eminence. There is no banker who will not be at least as good security as any paymaster of the forces, or any treasurer of the navy, that have ever been bankers to the public: as rich at least as my lord Chatham, or my lord Holland, or either of the hon. gentlemen who now hold the offices, were at the time that they entered into them; or as ever the whole establishment of the Mint has been at any period.

These, Sir, are the outlines of the plan I mean to follow, in suppressing these two large subordinate treasuries. I now come to another subordinate treasury; I mean, that of the Paymaster of the Pensions; for which purpose I re-enter the limits of the civil establishment—I departed from those limits in pursuit of a principle; and following the same game in its doubles, I am brought into those limits again. That treasury, and that office, I mean to take away; and to transfer the payment of

every name, mode, and denomination of pensions, to the Exchequer. The present course of diversifying the same object, can answer no good purpose; whatever its use may be to purposes of another kind. There are also other lists of pensions; and I mean that they should all be hereafter paid at one and the same place. The whole of the new consolidated list I mean to reduce to 60,000*l.* a year, which sum I intend it shall never exceed. I think that sum will fully answer as a reward for all real merit, and a provision for all real public charity that is ever like to be placed upon the list. If any merit of an extraordinary nature should emerge, before that reduction is completed, I have left it open for an address of either House of Parliament to provide for the case. To all other demands, it must be answered, with regret but with firmness, "the public is poor."

I do not propose, as I told you before Christmas, to take away any pension. I know, that the public seem to call for a reduction of such of them as shall appear unmerited. As a censorial act, and punishment of an abuse, it might answer some purpose. But this can make no part of my plan. I mean to proceed by bill; and I cannot stop for such an enquiry. I know some gentlemen may blame me. It is with great submission to better judgments that I recommend it to consideration; that a critical retrospective examination of the pension list, upon the principle of merit, can never serve for my basis.—It cannot answer, according to my plan, any effectual purpose of economy, or of future permanent reformation. The process in any way will be entangled and difficult; and it will be infinitely slow: there is a danger that if we turn our line of march, now directed towards the grand object, into this more laborious than useful detail of operations, we shall never arrive at our end.

The king, Sir, has been by the constitution appointed sole judge of the merit for which a pension is to be given. We have a right undoubtedly, to canvass this, as we have to canvass every act of government. But there is a material difference between an office to be reformed, and a pension taken away for demerit. In the former case, no charge is implied against the holder; in the latter, his character is slurred, as well as his lawful emolument affected. The former process is against the thing; the second against the person. The pensioner certainly, if he pleases,

has a right to stand on his own defence; to plead his possession; and to bottom his title in the competency of the crown to give him what he holds. Possessed, and on the defensive as he is, he will not be obliged to prove his special merit, in order to justify the act of legal discretion, now turned into his property, according to his tenure. The very act, he will contend, is a legal presumption, and an implication of his merit. If this be so, from the natural force of all legal presumption, he would put us to the difficult proof, that he has no merit at all. But other questions would arise in the course of such an inquiry; that is, questions of the merit when weighed against the proportion of the reward; then the difficulty will be much greater.

The difficulty will not, Sir, I am afraid, be much less, if we pass to the person really guilty, in the question of an unmerited pension; the minister himself. I admit that when called to account for the execution of a trust, he might fairly be obliged to prove the affirmative; and to state the merit for which the pension is given; though on the pensioner himself, such a process would be hard. If in this examination we proceed methodically, and so as to avoid all suspicion of partiality and prejudice, we must take the pensions in order of time, or merely alphabetically. The very first pension to which we come, in either of these ways, may appear the most grossly unmerited of any. But the minister may very possibly shew, that he knows nothing of the putting on this pension—that it was prior in time to his administration—that the minister who laid it on, is dead; and then we are thrown back upon the pensioner himself, and plunged into all our former difficulties. Abuses, and gross ones, I doubt not, would appear; and to the correction of which I would readily give my hand; but, when I consider that pensions have not generally been affected by the revolutions of ministry; as I know not where such inquiries would stop; and as an absence of merit is a negative and loose thing, one might be led to derange the order of families, founded on the probable continuance of their kind of income. I might hurt children; I might injure creditors. I really think it the more prudent course, not to follow the letter of the petitions. If we fix this mode of enquiry as a basis, we shall, I fear, end, as parliament has often ended under similar circumstances. There

will be great delay; much confusion; much inequality in our proceedings. But what presses me most of all is this; that though we should strike off all the unmerited pensions, while the power of the crown remains unlimited, the very same undeserving persons might afterwards return to the very same list; or if they did not, other persons meriting as little as they do, might be put upon it to an undefinable amount. This I think is the pinch of the grievance.

For these reasons, Sir, I am obliged to wave this mode of proceeding as any part of my plan. In a plan of reformation, it would be one of my maxims, that when I know of an establishment, which may be subservient to useful purposes, and which, at the same time, from its discretionary nature, is liable to a very great perversion from those purposes, I would limit the quantity of the power that might be so abused. For I am sure, that in all such cases, the rewards of merit will have very narrow bounds; and that partial or corrupt favour will be infinite. This principle is not arbitrary; but the limitation of the specific quantity must be so in some measure. I therefore state 60,000*l.* leaving it open to the House to enlarge or contract the sum as they shall see, on examination, that the discretion I use is scanty or liberal. The whole amount of the pensions of all denominations, which have been laid before us, amount, for a period of seven years, to considerably more than 100,000*l.* a year. To what the other lists amount, I know not. That will be seen hereafter. But from those that do appear, a saving will accrue to the public, at one time or other, of 40,000*l.* a year, and we had better in my opinion to let it fall in naturally, than to tear it crude and unripe from the stalk.*

There is a great deal of uneasiness among the people, upon an article which I must class under the head of pensions. I mean the great patent offices in the ex-

* It was supposed by Mr. Dundas, the Lord Advocate, in a subsequent debate, that Mr. Burke, because he objected to an inquiry into the pension list for the purpose of œconomy and relief of the public, would have it withheld from the judgment of parliament for all purposes whatsoever. This learned gentleman certainly misunderstood him. His plan shews that he wished the whole list to be easily accessible; and he knows that the public eye is of itself a great guard against abuse.

chequer. They are in reality and substance no other than pensions, and in no other light shall I consider them. They are sinecures. They are always executed by deputy. The duty of the principal is as nothing. They differ however from the pensions on the list, in some particulars. They are held for life. I think, with the public, that the profits of those places are grown enormous; the magnitude of those profits, and the nature of them, both call for reformation. The nature of their profits, which grow out of the public distress, is itself invidious and grievous. But I fear that reform cannot be immediate. I find myself under a restriction. These places, and others of the same kind, which are held for life, have been considered as property. They have been given as a provision for children; they have been the subject of family settlements; they have been the security of creditors. What the law respects shall be sacred to me. If the barriers of law should be broken down, upon ideas of convenience, even of public convenience, we shall have no longer any thing certain among us. If the discretion of power is once let loose upon property, we can be at no loss to determine whose power, and what discretion it is that will prevail at last. It would be wise to attend upon the order of things; and not to attempt to outrun the slow, but smooth and even course of nature. There are occasions, I admit, of public necessity, so vast, so clear, so evident, that they supersede all laws. Law being only made for the benefit of the community, cannot in any of its parts resist a demand which may comprehend the total of the public interest. To be sure, no law can set itself up against the cause and reason of all law. But such a case very rarely happens; and this most certainly is not such a case. The mere time of the reform is by no means worth the sacrifice of a principle of law. Individuals pass like shadows; but the commonwealth is fixed and stable. The difference, therefore, of to day and to-morrow, which to private people is immense, to the state is nothing. At any rate, it is better, if possible, to reconcile our œconomy with our laws, than to set them at variance; a quarrel which in the end must be destructive to both.

My idea, therefore, is to reduce those officers to fixed salaries, as the present lives and reversions shall successively fall. I mean, that the office of the great auditor (the auditor of the receipt) shall be re-

duced to 3,000*l.* a year; and the auditors of the imprest, and the rest of the principal officers, to fixed appointments of 1,500*l.* a year each. It will not be difficult to calculate the value of this fall of lives to the public, when we shall have obtained a just account of the present income of those places; and we shall obtain that account with great facility, if the present possessors are not alarmed with any apprehension of danger to their freehold office.

I know too, that it will be demanded of me, how it comes, that since I admit these offices to be no better than pensions, I chose, after the principle of law had been satisfied, to retain them at all? To this, Sir, I answer that conceiving it to be a fundamental part of the constitution of this country, and of the reason of state in every country, that there must be means of rewarding public service, those means will be incomplete, and indeed wholly insufficient for that purpose, if there should be no further reward for that service, than the daily wages it receives during the pleasure of the crown.

Whoever seriously considers the excellent argument of lord Somers, in the Banker's Case*, will see he bottoms himself upon the very same maxim which I do; and one of his principal grounds of doctrine for the alienability of the domain in England†, contrary to the maxim of the law in France, he lays in the constitutional policy of furnishing a permanent reward to public service: of making that reward the origin of families; and the foundation of wealth as well as of honours. It is indeed the only genuine unadulterated origin of nobility. It is a great principle in government; a principle at the very foundation of the whole structure. The other judges who held the same doctrine, went beyond lord Somers with regard to the remedy, which they thought was given by law against the crown, upon the grant of pensions. Indeed no man knows, when he cuts off the incitements to a virtuous ambition, and the just rewards of public service, what infinite mischief he may do his country, through all generations. Such saving to the public may prove the worst mode of robbing it. The crown, which has in its hands the trust of the

daily pay for national service, ought to have in its hands also the means for the repose of public labour, and the fixed settlement of acknowledged merit. There is a time, when the weather-beaten vessels of the state ought to come into harbour. They must at length have a retreat from the malice of rivals, from the perfidy of political friends, and the inconsistency of the people. Many of the persons, who in all times have filled the great offices of state, have been younger brothers, who had originally little, if any fortune. These offices do not furnish the means of amassing wealth. There ought to be some power in the crown of granting pensions out of the reach of its own caprices. An intail of dependence is a bad reward of merit.

I would, therefore, leave to the crown the possibility of conferring some favours, which, whilst they are received as a reward, do not operate as corruption. When men receive obligations from the crown, through the pious hands of fathers, or of connections as venerable as the paternal, the dependencies which arise from thence, are the obligations of gratitude, and not the fetters of servility. Such ties originate in virtue, and they promote it. They continue men in those habitudes of friendship, those political connections, and those political principles in which they began life. They are antidotes against a corrupt levity, instead of causes of it. What an unseemly spectacle would it afford, what a disgrace would it be to the commonwealth that suffered such things, to see the hopeful son of a meritorious minister begging his bread at the door of that treasury, from whence his father dispensed the œconomy of an empire, and promoted the happiness and glory of his country? Why should he be obliged to prostrate his honour, and to submit his principles at the levee of some proud favourite, shouldered and thrust aside by every impudent pretender, on the very spot where a few days before he saw himself adored?—obliged to cringe to the author of the calamities of his house, and to kiss the hands that are red with his father's blood?—No, Sir, these things are unfit—they are intolerable.

Sir, I shall be asked, why I do not choose to destroy those offices which are pensions, and appoint pensions under the direct title in their stead? I allow that in some, cases it leads to abuse; to have things appointed for one purpose, and ap-

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* See Howell's Collection of State Trials, Vol. 14, p. 1.

† Before the statute of queen Anne, which limited the alienation of land.

plied to another. I have no great objection to such a change: but I do not think it quite prudent for me to propose it. If I should take away the present establishment, the burthen of proof rests upon me, that so many pensions, and no more, and to such an amount each, and no more, are necessary for the public service. This is what I can never prove; for it is a thing incapable of definition. I do not like to take away an object that I think answers my purpose, in hopes of getting it back again in a better shape. People will bear an old establishment when its excess is corrected, who will revolt at a new one. I do not think these office-pensions to be more in number than sufficient: but on that point the House will exercise its discretion. As to abuse, I am convinced that very few trusts in the ordinary course of administration have admitted less abuse than this. Efficient ministers have been their own pay-masters. It is true. But their very partiality has operated as a kind of justice; and still it was service that was paid. When we look over this exchequer list, we find it filled with the descendants of the Walpoles, of the Pelhams, of the Townshends; names to whom this country owes its liberties; and to whom his Majesty owes his crown. It was in one of these lines, that the immense and envied employment he now holds, came to a certain duke*, who is now probably sitting quietly at a very good dinner directly under us, and acting High Life below Stairs, whilst we, his masters, are filling our mouths with unsubstantial sounds, and talking of hungry œconomy over his head. But he is the elder branch of an ancient and decayed house, joined to, and repaired by the reward of services done by another. I respect the original title, and the first purchase of merited wealth and honour through all its descents, through all its transfers, and all its assignments. May such fountains never be dried up! May they ever flow with their original purity, and refresh and fructify the commonwealth, for ages!

Sir, I think myself bound to give you my reasons as clearly, and as fully, for stopping in the course of reformation, as for proceeding in it. My limits are the rules of law; the rules of policy; and the service of the state. This is the reason why I am not able to intermeddle with another article, which seems to be a spe-

cific object in several of the petitions; I mean the reduction of exorbitant emoluments to efficient offices. If I knew of any real efficient office, which did possess exorbitant emoluments, I should be extremely desirous of reducing them. Others may know of them. I do not. I am not possessed of an exact common measure between real service and its reward. I am very sure, that states do sometimes receive services, which it is hardly in their power to reward according to their worth. If I were to give my judgment with regard to this country, I do not think the great efficient offices of the state to be overpaid. The service of the public is a thing which cannot be put to auction, and struck down to those who will agree to execute it the cheapest. When the proportion between reward and service is our object, we must always consider of what nature the service is, and what sort of men they are that must perform it. What is just payment for one kind of labour, and full encouragement for one kind of talents, is fraud and discouragement to others. Many of the great offices have much duty to do, and much expence of representation to maintain. A secretary of state, for instance, must not appear sordid in the eyes of the ministers of other nations; neither ought our ministers abroad to appear contemptible in the courts where they reside. In all offices of duty, there is, almost necessarily, a great neglect of all domestic affairs. A person in high office can rarely take a view of his family-house. If he sees that the state takes no detriment, the state must see that his affairs should take as little.

I will even go so far as to affirm, that if men were willing to serve in such situations without salary, they ought not to be permitted to do it. Ordinary service must be secured by the motives to ordinary integrity. I do not hesitate to say, that that state which lays its foundation in rare and heroic virtues, will be sure to have its superstructure in the basest profligacy and corruption. An honourable and fair profit is the best security against avarice and rapacity; as in all things else, a lawful and regulated enjoyment is the best security against debauchery and excess. For as wealth is power, so all power will infallibly draw wealth to itself by some means or other: and when men are left no way of ascertaining their profits but by their means of obtaining them, those means will be increased to infinity. This

* The Duke of Newcastle, whose dining-room was under the House of Commons.

is true in all the parts of administration, as well as in the whole. If any individual were to decline his appointments, it might give an unfair advantage to ostentatious ambition over unpretending service; it might breed invidious comparisons; it might tend to destroy whatever little unity and agreement may be found among ministers. And after all, when an ambitious man had run down his competitors by a fallacious shew of disinterestedness, and fixed himself in power by that means, what security is there that he would not change his course, and claim as an indemnity ten times more than he has given up?

This rule, like every other, may admit its exceptions. When a great man has some one great object in view to be achieved in a given time, it may be absolutely necessary for him to walk out of all the common roads, and if his fortune permits it, to hold himself out as a splendid example. I am told, that something of this kind is now doing in a country near us. But this is for a short race; the training for a heat or two, and not the proper preparation for the regular stages of a methodical journey. I am speaking of establishments and not of men.

It may be expected, Sir, that when I am giving my reasons why I limit myself in the reduction of employments, or of their profits, I should say something of those which seem of eminent inutility in the state; I mean the number of officers who by their places are attendant on the person of the king. Considering the commonwealth merely as such, and considering those officers only as relative to the direct purposes of the state, I admit that they are of no use at all. But there are many things in the constitution of establishments, which appear of little value on the first view, which in a secondary and oblique manner, produce very material advantages. It was on full consideration that I determined not to lessen any of the offices of honour about the crown, in their number, or their emoluments. These emoluments, except in one or two cases, do not much more than answer the charge of attendance. Men of condition naturally love to be about a court; and women of condition love it much more. But there is in all regular attendance so much of constraint, that if it were a mere charge, without any compensation, you would soon have the court deserted by all the nobility in the kingdom.

Sir, the most serious mischiefs would follow from such a desertion. Kings are

naturally lovers of low company. They are so elevated above the rest of mankind, that they must look upon all their subjects as on a level. They are rather apt to hate than to love their nobility, on account of the occasional resistance to their will, which will be made by their virtue, their petulance, or their pride. It must indeed be admitted, that many of the nobility are as perfectly willing to act the part of flatterers, tale-bearers, parasites, pimps, and buffoons, as any of the lowest and vilest of mankind can possibly be. But they are not properly qualified for this object of their ambition. The want of a regular education, and early habits, and some lurking remains of their dignity, will never permit them to become a match for an Italian eunuch, a mountebank, a fiddler, a player, or any regular practitioner of that tribe. The Roman emperors, almost from the beginning, threw themselves into such hands; and the mischief increased every day till the decline and final ruin of the empire. It is therefore of very great importance (provided the thing is not overdone) to contrive such an establishment as must, almost whether a prince will or not, bring into daily and hourly offices about his person, a great number of his first nobility; and it is rather an useful prejudice that gives them a pride in such a servitude. Though they are not much the better for a court, a court will be much the better for them. I have therefore not attempted to reform any of the offices of honour about the king's person.

There are, indeed, two offices in his stables which are sinecures. By the change of manners, and indeed by the nature of the thing, they must be so; I mean the several keepers of buck-hounds, stag-hounds, fox-hounds, and harriers. They answer no purpose of utility or of splendour. These I propose to abolish. It is not proper that great noblemen should be keepers of dogs, though they were the king's dogs. In every part of the scheme, I have endeavoured that no primary, and that even no secondary service of the state, should suffer by its frugality. I mean to touch no offices but such as I am perfectly sure are either of no use at all, or not of any use in the least assignable proportion to the burthen with which they load the revenues of the kingdom, and to the influence with which they oppress the freedom of parliamentary deliberation; for which reason there are but two offices which are properly state offices, that I have a desire to reform.

The first of them is the new office of Third Secretary of State, which is commonly called Secretary of State for the Colonies.

We know that all the correspondence of the colonies had been, until within a few years, carried on by the southern secretary of state; and that this department has not been shunned upon account of the weight of its duties; but, on the contrary, much sought, on account of its patronage. Indeed he must be poorly acquainted with the history of office, who does not know how very lightly the American functions have always leaned on the shoulders of the ministerial Atlas, who has upheld that side of the sphere. Undoubtedly, great temper and judgment was requisite in the management of the colony politics; but the official detail was a trifle. Since the new appointment, a train of unfortunate accidents has brought before us almost the whole correspondence of this favourite secretary's office, since the first day of its establishment. I will say nothing of its auspicious foundation; of the quality of its correspondence; or of the effects that have ensued from it. I speak merely of its quantity; which we know would have been little or no addition to the trouble of whatever office had its hands the fullest. But what has been the real condition of the old office of secretary of state? Have their velvet bags, and their red boxes, been so full, that nothing more could possibly be crammed into them?

A correspondence of a curious nature has been lately published.* In that correspondence, Sir, we find the opinion of a noble person, who is thought to be the grand manufacturer of administrations; and therefore the best judge of the quality of his work. He was of opinion, that there was but one man of diligence and industry in the whole administration—it was the late earl of Suffolk. The noble lord lamented very justly, that this statesman, of so much mental vigour, was almost wholly disabled from the exertion of it, by his bodily infirmities. Lord Suffolk, dead to the state, long before he was dead to nature, at last paid his tribute to the common treasury to which we must all be taxed. But so little want was found even of his intentional industry, that the office, vacant in reality to its duties long before,

continued vacant even in nomination and appointment for a year after his death. The whole of the laborious and arduous correspondence of this empire, rested solely upon the activity and energy of lord Weymouth.

It is therefore demonstrable, since one diligent man was fully equal to the duties of the two offices, that two diligent men will be equal to the duty of three. The business of the new office which I shall propose to you to suppress, is by no means too much to be returned to either of the secretaries which remain. If this dust in the balance should be thought too heavy, it may be divided between them both; North America (whether free or reduced) to the northern secretary, the West Indies to the southern. It is not necessary that I should say more upon the inutility of this office. It is burning day-light. But before I have done, I shall just remark, that the history of this office is too recent to suffer us to forget, that it was made for the mere convenience of the arrangements of political intrigue, and not for the service of the state; that it was made, in order to give a colour to an exorbitant increase of the civil list; and in the same act to bring a new accession to the loaded compost heap of corrupt influence.

There is, Sir, another office which was not long since closely connected with this of the American secretary; but has been lately separated from it for the very same purpose for which it had been conjoined; I mean the sole purpose of all the separations and all the conjunctions that have been lately made—a job.—I speak, Sir, of the Board of Trade and Plantations. This board is a sort of temperate bed of influence; a sort of gently ripening hothouse, where eight members of parliament receive salaries of a thousand a year, for a certain given time, in order to mature at a proper season, a claim to two thousand, granted for doing less, and on the credit of having toiled so long in that inferior laborious department.

I have known that board, off and on, for a great number of years. Both of its pretended objects have been much the objects of my study, if I have a right to call any pursuits of mine by so respectable a name. I can assure the House, and I hope they will not think that I risk my little credit lightly, that, without meaning to convey the least reflection upon any one of its members past or present,—it is a board which, if not mischievous, is of no use at all.

* Letters between Dr. Addington and sir James Wright. See Annual Register for 1778, p. 244.

You will be convinced, Sir, that I am not mistaken, if you reflect how generally it is true, that commerce, the principal object of that office, flourishes most when it is left to itself. Interest, the great guide of commerce, is not a blind one. It is very well able to find its own way; and its necessities are its best laws. But if it were possible, in the nature of things, that the young should direct the old, and the inexperienced instruct the knowing; if a board in the state was the best tutor for the counting house; if the desk ought to read lectures to the anvil, and the pen to usurp the place of the shuttle—yet in any matter of regulation, we know that board must act with as little authority as skill. The prerogative of the crown is utterly inadequate to the object; because all regulations are, in their nature, restrictive of some liberty. In the reign, indeed, of Charles the 1st, the council, or committees of council, were never a moment unoccupied with affairs of trade. But even where they had no ill intention (which was sometimes the case) trade and manufacture suffered infinitely from their injudicious tamperings. But since that period, whenever regulation is wanting (for I do not deny that sometimes it may be wanting) parliament constantly sits; and parliament alone is competent to such regulation. We want no instructions from boards of trade, or from any other board; and God forbid we should give the least attention to their reports. Parliamentary inquiry is the only mode of obtaining parliamentary information. There is more real knowledge to be obtained, by attending the detail of business in the committees above stairs, than ever did come, or ever will come from any board in this kingdom, or from all of them together. An assiduous member of parliament will not be the worse instructed there, for not being paid a thousand a year for learning his lesson. And now that I speak of the committees above stairs, I must say, that having till lately attended them a good deal, I have observed that no description of members give so little attendance, either to communicate, or to obtain instruction upon matters of commerce, as the honourable members of the grave board of trade. I really do not recollect that I have ever seen one of them in that sort of business. Possibly some members may have better memories; and may call to mind some job that may have accidentally brought one or other of them, at one time

or other, to attend a matter of commerce.

This board, Sir, has had both its original formation, and its regeneration, in a job. In a job it was conceived, and in a job its mother brought it forth. It made one among those shewy and specious impositions, which one of the experiment-making administrations of Charles the 2nd held out to delude the people, and to be substituted in the place of the real service which they might expect from a parliament annually sitting. It was intended also to corrupt that body whenever it should be permitted to sit. It was projected in the year 1668, and it continued in a tottering and rickety childhood for about three or four years, for it died in the year 1673, a babe of as little hopes as ever swelled the bills of mortality in the article of convulsed or over-laid children, who have hardly stepped over the threshold of life.

It was buried with little ceremony; and never more thought of, until the reign of king William, when in the strange vicissitude of neglect and vigour, of good and ill success that attended his wars, in the year 1695, the trade was distressed beyond all example of former sufferings, by the piracies of the French cruisers. This suffering incensed, and, as it should seem, very justly incensed, the House of Commons. In this ferment they struck, not only at the administration, but at the very constitution of the executive government. They attempted to form in parliament a board for the protection of trade; which, as they planned it, was to draw to itself a great part, if not the whole, of the functions and powers, both of the admiralty, and of the treasury; and thus, by a parliamentary delegation of office and officers, they threatened absolutely to separate these departments from the whole system of the executive government, and of course to vest the most leading and essential of its attributes in this board. As the executive government was in a manner convicted of a dereliction of its functions, it was with infinite difficulty, that this blow was warded off in that session. There was a threat to renew the same in the next. To prevent the effect of this manœuvre, the court opposed another manœuvre to it; and in the year 1696, called into life this board of trade, which had slept since 1673.

This, in a few words, is the history of the regeneration of the board of trade. It has perfectly answered its purposes. It

was intended to quiet the minds of the people, and to compose the ferment that was then strongly working in parliament. The courtiers were too happy to be able to substitute a board, which they knew would be useless, in the place of one that they feared would be dangerous. Thus the board of trade was reproduced in a job; and perhaps it is the only instance of a public body, which has never degenerated; but to this hour preserves all the health and vigour of its primitive institution.

This board of trade and plantations has not been of any use to the colonies, as colonies; so little of use, that the flourishing settlements of New England, of Virginia, and of Maryland, and all our wealthy colonies in the West Indies, were of a date prior to the first board of Charles 2. Pennsylvania and Carolina were settled during its dark quarter, in the interval between the extinction of the first, and the formation of the second board. Two colonies alone owe their origin to that board. Georgia, which, till lately, has made a very slow progress; and never did make any progress at all, until it wholly got rid of all the regulations which the board of trade had moulded into its original constitution. That colony has cost the nation very great sums of money; whereas the colonies which have had the fortune of not being godfathered by the board of trade, never cost the nation a shilling, except what has been so properly spent in losing them. But the colony of Georgia, weak as it was, carried with it to the last hour, and carries, even in its present dead pallid visage, the perfect resemblance of its parents. It always had, and it now has, an establishment paid by the public of England, for the sake of the influence of the crown; that colony having never been able or willing to take upon itself the expence of its proper government, or its own appropriated jobs.

The province of Nova Scotia was the youngest and the favourite child of the board. Good God! What sums the nursing of that ill-thriven, hard-visaged, and ill-favoured brat, has cost to this wittol nation! Sir, this colony has stood us in a sum of not less than 700,000*l*. To this day it has made no repayment—It does not even support those offices of expence, which are miscalled its government; the whole of that job still lies upon the patient, callous shoulders of the people of England.

Sir, I am going to state a fact to you, that will serve to set in full sunshine the real value of formality and official superintendence. There was in the province of Nova Scotia, one little neglected corner, the country of the neutral French; which having the good fortune to escape the fostering care of both France and England, and to have been shut out from the protection and regulation of councils of commerce, and of boards of trade, did, in silence, without notice, and without assistance, increase to a considerable degree. But it seems our nation had more skill and ability in destroying, than in settling a colony. In the last war we did, in my opinion, most inhumanly, and upon pretences that in the eye of an honest man are not worth a farthing, root out this poor innocent deserving people, whom our utter inability to govern, or to reconcile, gave us no sort of right to extirpate. Whatever the merits of that extirpation might have been, it was on the footsteps of a neglected people, it was on the fund of unconstrained poverty, it was on the acquisitions of unregulated industry, that any thing which deserves the name of a colony in that province, has been formed. It has been formed by overflowings from the exuberant population of New England, and by emigration from other parts of Nova Scotia of fugitives from the protection of the board of trade.

But if all of these things were not more than sufficient to prove to you the inutility of that expensive establishment, I will desire you to recollect, Sir, that those who may be very ready to defend it, are very cautious how they employ it; cautious how they employ it even in appearance and pretence. They are afraid they should lose the benefit of its influence in parliament, if they seemed to keep it up for any other purpose. If ever there were commercial points of great weight, and most closely connected with our dependencies, they are those which have been agitated and decided in parliament since I came into it. Which of the innumerable regulations since made had their origin or their improvement in the board of trade? Did any of the several East India Bills which have been successively produced since 1767, originate there? Did any one dream of referring them, or any part of them thither? Was any body so ridiculous as even to think of it? If ever there was an occasion on which the board was fit to be consulted, it was with regard to the Acts

that were preludes to the American war, or attendant on its commencement: those Acts were full of commercial regulations, such as they were—the Intercourse Bill; the Fishery Bill. If the board was not concerned in such things, in what particular was it thought fit that it should be concerned? In the course of all these Bills through the House, I observed the members of that board to be remarkably cautious of intermeddling. They understood decorum better; they know that matters of trade and plantations are no business of theirs.

There were two very recent occasions, which, if the idea of any use for the board had not been extinguished by prescription, appeared loudly to call for their interference.

When commissioners were sent to pay his Majesty's and our dutiful respects to the congress of the United States, a part of their powers under the commission were, it seems, of a commercial nature. They were authorized in the most ample and undefined manner, to form a commercial treaty with America on the spot. This was no trivial object. As the formation of such a treaty would necessarily have been no less than the breaking up of our whole commercial system, and the giving it an entire new form; one would imagine, that the board of trade would have sat day and night, to model propositions, which, on our side, might serve as a basis to that treaty. No such thing. Their learned leisure was not in the least interrupted, though one of the members of the board was a commissioner, and might, in mere compliment to his office, have been supposed to make a shew of deliberation on the subject. But he knew that his colleagues would have thought he laughed in their faces, had he attempted to bring any thing the most distantly relating to commerce or colonies before them. A noble person, engaged in the same commission, and sent to learn his commercial rudiments in New York, (then under the operation of an Act for the universal prohibition of trade) was soon after put at the head of that board. This contempt from the present ministers of all the pretended functions of that board, and their manner of breathing into its very soul, of inspiring it with its animating and presiding principle, puts an end to all dispute concerning their opinion of the clay it was made of. But I will give them heaped measure.

It was but the other day, that the noble lord in the blue ribbon carried up to the House of Peers two Acts, altering, I think much for the better, but altering in a great degree, our whole commercial system. Those Acts, I mean, for giving a free trade to Ireland in woollens and in all things else, with independent nations, and giving them an equal trade to our own colonies. Here too the novelty of this great, but arduous and critical improvement of system, would make you conceive that the anxious solicitude of the noble lord in the blue ribbon, would have wholly destroyed the plan of summer recreation of that board, by references to examine, compare, and digest matters for parliament—You would imagine, that Irish commissioners of customs and English commissioners of customs, and commissioners of excise, that merchants and manufacturers of every denomination, had daily crowded their outer rooms. *Nil horum*. The perpetual virtual adjournment, and the unbroken sitting vacation of that board, was no more disturbed by the Irish than by the plantation commerce, or any other commerce. The same matter made a large part of the business which occupied the House for two sessions before; and as our ministers were not then mellowed by the mild, emollient, and engaging blandishments of our dear sister, into all the tenderness of unqualified surrender, the bounds and limits of a restrained benefit naturally required much detailed management and positive regulation. But neither the qualified propositions which were received, nor those other qualified propositions which were rejected by ministers, were the least concern of theirs, or were they ever thought of in the business.

It is therefore, Sir, on the opinion of parliament, on the opinion of the ministers, and even on their own opinion of their inutility, that I shall propose to you to suppress the Board of Trade and Plantations; and to recommit all its business to the council from whence it was very improvidently taken; and which business, (whatever it might be) was much better done, and without any expence; and indeed where in effect it may all come at last. Almost all that deserves the name of business there, is the reference of the Plantation Acts, to the opinion of gentlemen of the law. But all this may be done, as the Irish business of the same nature has always been done, by the council, and with a reference to the attorney and solicitor general.

There are some regulations in the household, relative to the officers of the yeomen of the guards, and the officers and band of gentlemen pensioners, which I shall likewise submit to your consideration, for the purpose of regulating establishments, which at present are much abused.

I have now finished all that for the present I shall trouble you with on the plan of reduction. I mean next to propose to you the plan of arrangement, by which I mean to appropriate and fix the civil list money to its several services according to their nature; for I am thoroughly sensible, that if a discretion, wholly arbitrary, can be exercised over the civil list revenue, although the most effectual methods may be taken to prevent the inferior departments from exceeding their bounds, the plan of reformation will still be left very imperfect. It will not, in my opinion, be safe to permit an entirely arbitrary discretion even in the first lord of the Treasury himself; it will not be safe to leave with him a power of diverting the public money from its proper objects, of paying it in an irregular course, or of inverting perhaps the order of time, dictated by the proportion of value, which ought to regulate his application of payment to service.

I am sensible too, that the very operation of a plan of œconomy which tends to exonerate the civil list of expensive establishments, may in some sort defeat the capital end we have in view, the independence of parliament; and that in removing the public and ostensible means of influence, we may increase the fund of private corruption. I have thought of some methods to prevent an abuse of surplus cash under discretionary application; I mean the heads of secret service, special service, various payments, and the like; which I hope, will answer, and which in due time I shall lay before you. Where I am unable to limit the quantity of the sums to be applied, by reason of the uncertain quantity of the service, I endeavour to confine it to its line; to secure an indefinite application to the definite service to which it belongs; not to stop the progress of expence in its line, but to confine it to that line in which it professes to move.

But that part of my plan, Sir, upon which I principally rest, that, on which I rely for the purpose of binding up, and securing the whole, is to establish a fixed and invariable order in all its payments,

which it shall not be permitted to the first lord of the Treasury, upon any pretence whatsoever, to depart from. I therefore divide the civil list payment into nine classes, putting each class forward according to the importance or justice of the demand, and to the inability of the persons entitled to enforce their pretensions; that is, to put those first who have the most efficient offices, or claim the justest debts; and, at the same time, from the character of that description of men, from the retiredness, or the remoteness of their situation, or from their want of weight and power to enforce their pretensions, or from their being entirely subject to the power of a minister, without any reciprocal power of aweing, ought to be the most considered, and are the most likely to be neglected; all these I place in the highest classes: I place in the lowest those whose functions are of the least importance, but whose persons or rank are often of the greatest power and influence.

In the first class I place the judges, as of the first importance. It is the public justice that holds the community together; the ease, therefore, and independence of the judges, ought to supersede all other considerations, and they ought to be the very last to feel the necessities of the state, or to be obliged either to court or bully a minister for their right: they ought to be as weak solicitors on their own demands, as strenuous assertors of the rights and liberties of others. The judges are, or ought to be, of a reserved and retired character, and wholly unconnected with the political world.

In the second class I place the foreign ministers. The judges are the links of our connections with one another; the foreign ministers are the links of our connection with other nations. They are not upon the spot to demand payment, and are therefore the most likely to be, as in fact they have sometimes been, entirely neglected, to the great disgrace, and perhaps the great detriment of the nation.

In the third class, I would bring all the tradesmen who supply the crown by contract, or otherwise.

In the fourth class, I place all the domestic servants of the king, and all persons in efficient offices, whose salaries do not exceed 200*l.* a year.

In the fifth, upon account of honour, which ought to give place to nothing but charity and rigid justice, I would place the pensions and allowances of his Majesty's

royal family, comprehending of course the Queen, together with the stated allowance of the privy purse.

In the sixth class, I place those efficient offices of duty, whose salaries may exceed the sum of 200*l.* a year.

In the seventh class, that mixed mass the whole pension list.

In the eighth, the offices of honour about the King.

In the ninth, and the last of all, the salaries and pensions of the first lord of the Treasury himself, the Chancellor of the Exchequer, and the other commissioners of the treasury.

If by any possible mismanagement of that part of the revenue which is left at discretion, or by any other mode of prodigality, cash should be deficient for the payment of the lowest classes, I propose, that the amount of those salaries where the deficiency may happen to fall, shall not be carried as debt to the account of the succeeding year, but that it shall be entirely lapsed, sunk, and lost; so that government will be enabled to start in the race of every new year, wholly unloaded, fresh in wind and in vigour. Hereafter no civil list debt can ever come upon the public. And those who do not consider this as saving, because it is not a certain sum, do not ground their calculations of the future on their experience of the past.

I know of no mode of preserving the effectual execution of any duty, but to make it the direct interest of the executive officer that it shall be faithfully performed. Assuming, then, that the present vast allowance to the civil list is perfectly adequate to all its purposes, if there should be any failure, it must be from the mismanagement or neglect of the first commissioner of the treasury; since, upon the proposed plan, there can be no expence of any consequence, which he is not himself previously to authorize and finally to controul. It is therefore just, as well as politic, that the loss should attach upon the delinquency.

If the failure from the delinquency should be very considerable, it will fall on the class directly above the first lord of the Treasury, as well as upon himself and his board. It will fall, as it ought to fall, upon offices of no primary importance in the state; but then it will fall upon persons, whom it will be a matter of no slight importance for a minister to provoke—it will fall upon persons of the first rank and consequence in the kingdom; upon those

who are nearest to the king, and frequently have a more interior credit with him than the minister himself. It will fall upon masters of the horse, upon lord chamberlains, upon lord stewards, upon grooms of the stole, and lords of the bed-chamber. The household troops form an army, who will be ready to mutiny for want of pay, and whose mutiny will be really dreadful to a commander in chief. A rebellion of the thirteen lords of the bed-chamber would be far more terrible to a minister, and would probably affect his power more to the quick, than a revolt of thirteen colonies. What an uproar such an event would create at court! What petitions and committees, and associations, would it not produce! Bless me! what a clattering of white sticks and yellow sticks would be about his head—what a storm of gold keys would fly about the ears of the minister—what a shower of Georges, and Thistles, and medals, and collars of S. S. would assail him at his first entrance into the antichamber, after an insolvent Christmas quarter. A tumult which could not be appeased by all the harmony of the new year's ode. Rebellion it is certain there would be; and rebellion may not now indeed be so critical an event to those who engage in it, since its price is so correctly ascertained at just a thousand pound.

Sir, this classing, in my opinion, is a serious and solid security for the performance of a minister's duty. Lord Coke says, that the staff was put into the treasurer's hand to enable him to support himself when there was no money in the exchequer, and to beat away importunate solicitors. The method, which I propose, would hinder him from the necessity of such a broken staff to lean on, or such a miserable weapon for repulsing the demands of worthless suitors, who, the noble lord in the blue ribbon knows, will bear many hard blows on the head, and many other indignities, before they are driven from the treasury. In this plan, he is furnished with an answer to all their importunity; an answer far more conclusive than if he had knocked them down with his staff—"Sir, (or my lord), you are calling for my own salary—Sir, you are calling for the appointments of my colleagues who sit about me in office—Sir, you are going to excite a mutiny at court against me—you are going to estrange his majesty's confidence from me, through the chamberlain, or the master of the horse, or the groom of the stole."

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As things now stand, every man, in proportion to his consequence at court, tends to add to the expence of the civil list, by all manner of jobs, if not for himself, yet for his dependents. When the new plan is established, those who are now suitors for jobs, will become the most strenuous opposers of them. They will have a common interest with the minister in public œconomy. Every class, as it stands low, will become security for the payment of the preceding class; and thus the persons whose insignificant services defraud those that are useful, would then become interested in their payment. Then the powerful, instead of oppressing would be obliged to support the weak; and idleness would become concerned in the reward of industry. The whole fabric of the civil œconomy would become compact and connected in all its parts; it would be formed into a well-organised body, where every member contributes to the support of the whole; and where even the lazy stomach secures the vigour of the active arm.

This plan, I really flatter myself, is laid, not in official formality, nor in airy speculation, but in real life, and in human nature, in what "comes home (as Bacon says) to the business and bosoms of men." You have now, Sir, before you, the whole of my scheme, as far as I have digested it into a form, that might be in any respect worthy of your consideration.—I intend to lay it before you in five Bills. [Titles of the Bills read.] The plan consists, indeed, of many parts, but they stand upon a few plain principles. It is a plan which takes nothing from the civil list without discharging it of a burthen equal to the sum carried to the public service. It weakens no one function necessary to government; but on the contrary, by appropriating supply to service, it gives it greater vigour. It provides the means of order and foresight to a minister of finance, which may always keep all the objects of his office, and their state, condition, and relations, distinctly before him. It brings forward accounts without hurrying and distressing the accountants; whilst it provides for public convenience, it regards private rights. It extinguishes secret corruption almost to the impossibility of its existence. It destroys direct and visible influence equal to the offices of at least fifty members of parliament. Lastly, it prevents the provision for his Majesty's children, from being diverted to the political purposes of his minister.

These are the points, on which I rely for the merit of the plan: I pursue œconomy in a secondary view, and only as it is connected with these great objects. I am persuaded, that even for supply this scheme will be far from unfruitful, if it be executed to the extent I propose it. I think it will give to the public, at its periods, 2 or 300,000*l.* a year; if not, it will give them a system of œconomy, which is itself a great revenue. It gives me no little pride and satisfaction, to find that the principles of my proceedings are, in many respects, the very same with those which are now pursued in the plans of the French minister of finance. I am sure, that I lay before you a scheme easy and practicable in all its parts. I know it is common at once to applaud and to reject all attempts of this nature. I know it is common for men to say, that such and such things are perfectly right—very desirable; but that, unfortunately, they are not practicable. Oh! no, Sir, no. Those things which are not practicable, are not desirable. There is nothing in the world really beneficial, that does not lie within the reach of an informed understanding, and a well-directed pursuit. There is nothing that God has judged good for us, that he has not given us the means to accomplish, both in the natural and the moral world. If we cry, like children, for the moon, like children we must cry on.

We must follow the nature of our affairs, and conform ourselves to our situation. If we do, our objects are plain and compassable. Why should we resolve to do nothing, because what I propose to you may not be the exact demand of the petition; when we are far from resolved to comply even with what evidently is so? Does this sort of chicanery become us? The people are the masters. They have only to express their wants at large and in gross. We are the expert artists; we are the skilful workmen, to shape their desires into perfect form, and to fit the utensil to the use. They are the sufferers, they tell the symptoms of the complaint; but we know the exact seat of the disease, and how to apply the remedy according to the rules of art. How shocking would it be to see us pervert our skill, into a sinister and servile dexterity, for the purpose of evading our duty, and defrauding our employers, who are our natural lords, of the object of their just expectations. I think the whole not only practicable, but practicable in a very short time. If we are in earnest about it, and if

we exert that industry, and those talents in forwarding the work, which I am afraid may be exerted in impeding it—I engage, that the whole may be put in complete execution within a year. For my own part, I have very little to recommend me for this or for any task, but a kind of earnest and anxious perseverance of mind, which, with all its good and all its evil effects, is moulded into my constitution. I faithfully engage to the House, if they choose to appoint me to any part in the execution of this work, which (when they have made it theirs by the improvements of their wisdom, will be worthy of the able assistance they may give me) that by night and by day, in town or in country, at the desk, or in the forest, I will, without regard to convenience, ease, or pleasure, devote myself to their service, not expecting or admitting any reward whatsoever. I owe to this country my labour, which is my all; and I owe to it ten times more industry, if ten times more I could exert. After all I shall be an unprofitable servant.

At the same time, if I am able, and if I shall be permitted, I will lend an humble helping hand to any other good work which is going on. I have not, Sir, the frantic presumption to suppose, that this plan contains in it the whole of what the public has a right to expect, in the great work of reformation they call for. Indeed it falls infinitely short of it. It falls short even of my own ideas. I have some thoughts not yet fully ripened, relative to a reform in the customs and excise, as well as in some other branches of financial administration. There are other things too, which form essential parts in a great plan for the purpose of restoring the independence of parliament. The Contractors' Bill of last year it is fit to revive; and I rejoice that it is in better hands than mine. The Bill for suspending the votes of Custom-house officers, brought into parliament several years ago, by one of our worthiest and wisest members*, (would to God we could along with the plan revive the person who designed it!) But a man of very real integrity, honour, and ability, will be found to take his place, and to carry his idea into full execution. You all see how necessary it is to review our military expences for some years past, and, if possible, to bind up and close that bleeding artery of profusion: but that business also, I

have reason to hope, will be undertaken by abilities that are fully adequate to it. Something must be devised (if possible) to check the ruinous expence of elections.

Sir, all or most of these things must be done. Every one must take his part.

If we should be able by dexterity or power, or intrigue, to disappoint the expectations of our constituents, what will it avail us? We shall never be strong or artful enough to parry, or to put by the irresistible demands of our situation. That situation calls upon us, and upon our constituents too, with a voice which will be heard. I am sure no man is more zealously attached than I am to the privileges of this House, particularly in regard to the exclusive management of money. The Lords have no right to the disposition, in any sense, of the public purse; but they have gone further in self-denial* than our utmost jealousy could have required. A power of examining accounts, to censure, correct, and punish, we never, that I know of, have thought of denying to the House of Lords. It is something more than a century since we voted that body useless; they have now voted themselves so. The whole hope of reformation is at length cast upon us; and let us not deceive the nation, which does us the honour to hope every thing from our virtue. If all the nation are not equally forward to press this duty upon us, yet be assured, that they will equally expect we should perform it. The respectful silence of those who wait upon your pleasure, ought to be as powerful with you, as the call of those who require your service as their right. Some, without doors, affect to feel hurt for your dignity, because they suppose that menaces are held out to you. Justify their good opinion, by shewing that no menaces are necessary to stimulate you to your duty.—But, Sir, whilst we may sympathise with them, in one point, who sympathise with us in another, we ought to attend no less to those who approach us like men, and who, in the guise of petitioners, speak to us in the tone of a concealed authority. It is not wise to force them to speak out more plainly, what they plainly mean.—But the petitioners are violent. Be it so. Those who are least anxious about your conduct, are not those that love you most. Moderate affection, and satiated enjoy-

* W. Dowdeswell, esq. chancellor of the exchequer, 1765. See Vol. 16, p. 833.

* Rejection of lord Shelburne's motion in the House of Lords, see Vol. 20, p. 1318.

ment, are cold and respectful; but an ardent and injured passion is tempered up with wrath, and grief, and shame, and conscious worth, and the maddening sense of violated right. A jealous love lights his torch from the firebrands of the furies.—They who call upon you to belong wholly to the people, are those who wish you to return to your proper home; to the sphere of your duty, to the post of your honour, to the mansion-house of all genuine, serene, and solid satisfaction. We have furnished to the people of England (indeed we have) some real cause of jealousy. Let us leave that sort of company which, if it does not destroy our innocence, pollutes our honour: let us free ourselves at once from every thing that can increase their suspicions, and inflame their just resentment; let us cast away from us, with a generous scorn, all the love-tokens and symbols that we have been vain and light enough to accept;—all the bracelets, and snuff-boxes, and miniature pictures, and hair devices, and all the other adulterous trinkets that are the pledges of our alienation, and the monuments of our shame. Let us return to our legitimate home, and all jars and all quarrels will be lost in embraces. Let the Commons in parliament assembled, be one and the same thing with the commons at large. The distinctions that are made to separate us, are unnatural and wicked contrivances. Let us identify, let us incorporate ourselves with the people. Let us cut all the cables and snap the chains which tie us to an unfaithful shore, and enter the friendly harbour, that shoots far out into the main its moles and jetties to receive us.—“War with the world, and peace with our constituents.” Be this our motto, and our principle. Then indeed, we shall be truly great. Respecting ourselves we shall be respected by the world. At present all is troubled, and cloudy, and distracted, and full of anger and turbulence, both abroad and at home; but the air may be cleared by this storm, and light and fertility may follow it. Let us give a faithful pledge to the people that we honour, indeed, the crown; but that we belong to them; that we are their auxiliaries, and not their taskmasters; the fellow-labourers in the same vineyard, not lording over their rights, but helpers of their joy: that to tax them is a grievance to ourselves, but to cut off from our enjoyments to forward theirs, is the highest gratification we are

capable of receiving. I feel with comfort, that we are all warmed with these sentiments, and while we are thus warm, I wish we may go directly and with a cheerful heart to this salutary work.

Sir, I move for leave to bring in a Bill, “For the better regulation of his Majesty’s Civil Establishments, and of certain Public Offices; for the limitation of pensions, and the suppression of sundry useless, expensive, and inconvenient places; and for applying the monies saved thereby to the public service.”

Mr. Fox seconded the motion.

Lord North paid *Mr. Burke* very great compliments on his speech, which he said was one of the most able he had ever heard, and such as no gentleman in that House but the hon. member, he believed, was equal to, although he had the happiness to know, that there were many who had very brilliant parts. With regard to the motion, he certainly should not oppose the bringing in the Bill in question, but he begged the House to understand, that he did not pledge himself not to oppose it in some one or other of its subsequent stages. The subject was of the most serious importance, and went to the new forming of our domestic establishment; it required, therefore, the most deliberate consideration, and ought to be discussed with the utmost care and circumspection. He said, in all cases where patrimony and hereditary revenue were likely to be affected, it was the constant parliamentary custom, first to obtain the consent of the parties whose interests were concerned; he submitted it to the House, therefore, whether it was not a piece of decency and decorum, due from the House to his Majesty and the Prince of Wales, whose patrimony and hereditary revenue were materially interested in the present question, to pay them at least the same respect as would be paid to any other subject of the legislature.

A short conversation took place, upon which *Mr. Burke* postponed his motions relative to the King and Prince’s property: asserting, however, his right to make them if he pleased, and that he abstained from it only through respect for the crown and royal family.

Lord George Gordon got up to prove that a more unconstitutional speech had never been delivered in that House, than the speech which *Mr. Burke* had pronounced. His lordship charged *Mr. Burke* with having lost sight of the York

Petition, and said, he saw most plainly that the whole business was a juggle between the worthy member for Bristol, and the noble lord in the blue ribbon. He then went into an arraignment of the various parts of Mr. Burke's speech, and at length, when the question was put, insisted on dividing the House upon it.

The House divided: the Yeas went forth.

Tellers.

YEAS { Mr. Hussey
Mr. Spencer Stanhope }

Lord George Gordon was appointed one of the tellers for the Noes; but no other member remaining in the House, to be a second teller for the Noes, the Yeas returned into the House, and Mr. Speaker declared the Yeas had it. Leave was accordingly given; and it was ordered, "That Mr. Burke, Mr. Fox, lord John Cavendish, sir George Savile, col. Barré, Mr. Thomas Townshend, Mr. Byng, Mr. Dunning, sir Joseph Mawbey, Mr. Recorder of London, sir Robert Clayton, Mr. Frederic Montagu, the earl of Upper Ossory, sir William Guise, and Mr. Gilbert, do prepare and bring in the same."

Feb. 14. Mr. Burke obtained leave, without opposition, to bring in the following Bills: 1. "A Bill for the sale of the forest and other crown lands, rents, and hereditaments, with certain exceptions, and for applying the produce thereof to the public service; and for securing, ascertaining, and satisfying, tenant rights, and common and other rights. 2. A Bill for the more perfectly uniting to the crown the principality of Wales and the county palatine of Chester, and for the more commodious administration of justice within the same; as also, for abolishing certain offices now appertaining thereto, for quieting dormant claims, ascertaining and securing tenant rights, and for the sale of all forest lands, and other lands, tenements, and hereditaments, held by his Majesty in right of the said principality or county palatine of Chester, and for applying the produce thereof to the public service. 3. A Bill for uniting to the crown the duchy and county palatine of Lancaster, for the suppression of unnecessary offices now belonging thereto, for the ascertainment and security of tenant and other rights, and for the sale of all rents, lands, tenements, and hereditaments, and forests, within the said duchy

and county palatine, or either of them, and for applying the produce thereof to the public service." At the same time, Mr. Burke moved for leave to bring in, 4th, "A Bill for uniting the duchy of Cornwall to the crown; for the suppression of certain unnecessary offices now belonging thereto: for the ascertainment and security of tenant and other rights; and for the sale of certain rents, lands, and tenements, within or belonging to the said duchy; and for applying the produce thereof to the public service." But some objections being made by the surveyor general of the duchy concerning the rights of the prince of Wales, now in his minority, and lord North remaining perfectly silent, Mr. Burke, at length, though he strongly contended against the principle of the objection, consented to withdraw this last motion for the present, to be renewed upon an early occasion.

Colonel Barré gives notice of his Propositions relative to a Committee of Accounts. Colonel Barré then called the attention of the House to some Propositions, in addition to those of Mr. Burke. The plan which his hon. friend had submitted to the consideration of the House, with so much ability on his part, and which had been received with so much grateful attention on theirs, comprehended a great deal, and promised advantages to this country of the most flattering nature. His hon. friend had done a great deal, and having taken upon himself the labour and fatigue of conducting so great a part of the reform, it called not only for the gratitude, the assistance, and combination of that side of the House, but of the other also. The abilities of every man, and the assiduity of every man, were called upon in the present instance. His hon. friend did not, he was well assured, claim any exclusive privilege of forming propositions for a thorough reform. The country had taken the alarm; their meetings were sober, and their petitions were decent. They expected redress, and it became that House, in the present hour of difficulty and suspicion, to act as became the representatives of the people. For his own part, he was not reformation-mad; but there were some objects which he ardently wished to introduce to the consideration of the House, and which would be properly connected with those of his hon. friend. In his plan he had proposed that the high offices in the ex-

chequer, the emoluments of which are exorbitant, should be permitted to continue as they are during the lives of the present possessors. He confessed, for his own part, he thought that something more should be done. He did not think it right that persons who were in general possessed of large private fortunes, should be permitted, during the wars and calamities of their country, to reap advantages which they did not do in times of peace and prosperity; and he would, on this ground, introduce a proposition, that the perquisites and profits of these places should be put on a footing equal to the peace establishment. This he thought fair, just, and reasonable.—Another subject of the highest importance, and which, in his opinion, called most loudly for reformation, was the mode of voting the public money without estimate. It appeared that no less than six millions of the public money were in the hands of two ministers, for which there had not been, to this moment, the smallest account. What could the people think of such proceeding? He could with assurance inform the House, that the greatest part of this large sum might have been reduced to estimate. In 1775, the extraordinaries had amounted to more than 400,000*l*. Surprised at the enormity of this sum, he called for vouchers, that he might enquire, if possible, how it had been expended. The accounts came, but he found that instead of throwing any light on the matter, they stated no more than the dates of the warrants from the commander in chief, on which the money had been paid. As he proceeded in this, he waded deeper into obscurity, and there was no more light thrown on the matter by the accounts than there had been by the gross vote of the House. He was convinced that nothing but a Commission of Accounts, consisting of a small number of men, could correct this evil, and bring it within proper bounds and controul. He knew that the minister would have the naming of that committee; but notwithstanding this, he foresaw much good from it. A small committee would not dare, in the face of their country, to make a mockery of what was intended as a national good. On this he rested his hopes, and he would on a future day introduce propositions to this effect.

Lord North said, that he wished to hear the propositions of gentlemen from every side of the House; and he could assure them that no man in it would be more

ready to adopt any plan that appeared calculated for the promotion of œconomy, and for reducing the public expence to order and limit. When the hon. gentleman had proposed his plan the other day, with so much perspicuity of reasoning and elegance of manner, he asked if there were any more propositions still left; he did this, surprised that he should have neglected the ground which he confessed, for his own part, he thought the most essential of all. That the expenditure of the public money should be brought as much as possible under check and controul, he was well convinced; no member, he believed, would venture to deny the propositions; and it was very certain that the present course of the Exchequer was inimical to a speedy and effectual controul. The system was unequal to the extent of the business; and it created delays and inconveniencies exceedingly disagreeable, and which tended to obstruct, instead of expediting the national service. The people, he said, ought to be satisfied with respect to the expenditure; it was their right; they expected it; and he, for his own part, wished that the utmost clearness and precision should be found in the public accounts. He was convinced that all the expence could not be reduced to estimate. The nature of war was such, that no probable estimate could be found capable of providing against contingencies; there must, therefore, be exceedings; and ever since the land and sea service of this country had advanced to bulk and magnitude, exceedings were found to be absolutely necessary. When an officer made a demand, it was not possible to withhold it. The service in the hour of danger and action must not be abandoned; and though the sums so advanced might be even extravagant, yet at a distance from the scene of action, and unacquainted with the necessities of the occasion, government could not refuse the request. The officer, however, was answerable to his country for the sums that he received, and it was on this responsibility that the advancements had been originally made and admitted. He was free to confess that he thought a Commission of Accounts the most likely way of checking the public expence; and for his own part he thought it so salutary, and indeed so necessary a measure, that he wished to see it adopted. The hon. gentleman had said that the only objection was that the ministry would have the naming of it. He knew that the major-

city of the House would have the naming of it; but why the decision of the majority should throw an obloquy on the persons they named, he was yet to learn. Committees of accounts had frequently been appointed, and they had sometimes failed of producing any good. When formed on principles of faction, they were actuated by intrigue, not zeal, and politics had mixed themselves with every decision. And when, too, they had been appointed of a temporary nature, and gentlemen had both attended them and their duty in the House, little good had been derived, for their time had been too short for the objects of their concern. But a committee of a small number of gentlemen rendered permanent, and sitting through the year, would be capable of rendering solid advantage to the country. As to the hon. gentleman's other proposition, respecting the emoluments and salaries of offices during war, he could only say, that no exorbitant fees or profits arose in the offices. If the emoluments were large and uncommon, in the present state of things, it was because a larger receipt and expenditure now occurred than during a peace establishment. A certain profit was annexed to the amount of the receipt and payment, and that consequently rose in proportion to the advancement of the national expence.

Colonel *Barré* observed that the noble lord had spoken plainly and like a man. He had declared that there was occasion for a reform; and he considered the noble lord as pledged to the measure of a committee of accounts. He thanked the noble lord for speaking out, and he formed the most favourable presage of success from the noble lord's declarations. The noble lord had said true, that the extraordinary could not be prevented altogether, and that it was impossible to withhold the demands of officers upon actual service. He, however, were he in the noble lord's situation, would let officers know, that it was not the Treasury alone that they had to satisfy, but parliament also; and that the Treasury could not protect them from the enquiries and the censure of their country. He answered him with respect to the emoluments of office, and said that certainly men who enjoyed great and extravagant profits, merely from the occasions of war, would and ought to make no objection to yield up those profits, and be contented with the profits which they received in peace.

Lord *George Gordon* said, that the hon. gentleman had too hastily given the noble lord credit for his intentions. For his own part, he believed that his design was to cajole the House and the people.

Mr. *Fox* paid many handsome compliments to the propositions contained in the plan opened on Friday last by Mr. *Burke*, and allowed great candour and fairness on the part of the noble lord, who had so readily approved of the idea thrown out of appointing commissioners of accounts; but could not agree with his lordship, that a better, or a more ready mode of accounting to the House for the expenditure of public monies, could not be devised, or reduced to practice. At present the issue of very large sums were year after year left unaccounted for, and he thought it right the minister should no longer be suffered to lay out enormous sums, for the expenditure of which the House had as little given their assent, as the public were satisfied of its receipts. The very last year, for instance, the estimate for the transport service from Cork to America, had been given in at 60,000*l.* and no less a sum than 400,000*l.* was actually charged for that very service, and the minister, with a modesty peculiar to himself, had never thought it worth his while to explain such an enormous excess of the estimate. No less a sum than 60,000*l.* had also been issued to Mr. *Stewart*, to buy presents for the Indians, but how it had been laid out, the House were to this moment totally ignorant; and but for the integrity of the minister, he might just as well have put the whole money into his own pocket, for he had just as much right to it. He deduced many reasons from these facts, to prove how necessary it was to have the expenditure of the public money put under some controul.—The hon. gentleman went largely into a defence of the various petitions from the county meetings, and animadverted with much poignancy, on the protests entered into at several of the said counties, as the protestors were by no means warranted in libelling those persons who had thought fit to pray parliament for œconomy in the public expenditures. As to the noble lord (*Cranbourne*) who had been very active that way, he thought he deserved the censure of the House; for he had attended the county meeting, and might there, if he had thought proper, have signified his objections to the resolutions he had since protested against. But

why did the protestors libel and traduce the petitioners? If they had any dislike to the matter set forth in the petitions, they might have done it; but after giving the petition a tacit approbation, was it right, was it decent in the noble lord to protest against it? The hon. gentleman would not say in what manner the protests ought to be treated. He wished from his soul that the protest could be brought before the House; nay, he wished that every county would protest to its utmost, that numbers might be fairly counted. As to the protests already made, there was one way, indeed, and but one, to bring them before the House, and that was by ordering those instruments to be laid before them, as false and infamous libels against the people of England, for using the right the constitution gave them of petitioning parliament. There was a time, he was very sure, when the representatives of the people would have done this. He spoke now as a member of the House, and not a petitioner; and he thought he stood in a situation to complain of those protests, as an attack on his legislative character, as denying his Majesty's subjects a privilege of complaining to him, of any injuries they might suppose they were labouring under. The hon. gentleman took notice of the assertions made in another House, by a noble lord (Hillsborough) reflecting on the county meetings, and the petitions they had sent to parliament, and said he was very glad the noble lord in the blue ribbon had no such opinion of them, but had abandoned the protestors. The hon. gentleman finally declared, that it was necessary that the influence of the crown should be checked for the safety of the constitution.

Lord North said, the hon. gentleman was a powerful advocate in any cause, however arduous and difficult. His rapidity of speech, his severity of censure, and choice of words, made him an enemy to be dreaded; for his part, he feared him as an antagonist—yet notwithstanding this, he would rather have the hon. member for an opponent than a commentator, for nothing but such extensive talents for commenting, could possibly have induced the hon. gentleman to state, that he had ever said any thing that was to be construed into an abandoning, or any intention to abandon the protestors. Good God, was it possible for him to use any such expression? The petitions presented, were not the petitions of the county of Hampshire,

nor of the county of York. They were not the petitions of this county, nor of that county, but only of such a number and description of persons residing in the county, and for him to think of abandoning those who thought it their duty to protest against them, would be monstrous. With respect to the influence of the crown, the noble lord declared it had not increased of late years, and that any attempt at a diminution of it ought to be resisted.

Mr. Dunning ably defended the right of petitioning, and said the persons who signed a petition by no means meant to convey what it contained as the sense of the county at large, but of the meeting held at that county, to which the freeholders had access.

Lord Mulgrave adverted to the late meeting held at York, and said it was true, that there was a property in the room of more value than within the walls of parliament, as had been asserted by an hon. baronet (sir G. Savile): it was a still greater compliment to the county, that great as the property was at that meeting, it was not half of what the county possessed. His lordship also denied that the petition was signed by a majority of the freeholders and landholders, for he understood the county contained very near 30,000 persons under those descriptions, and not 1,500 names appeared to the petition. But the noble lord did not think that either the rank or number of the persons signified; the right of petitioning was universal and free as air. It mattered not who petitioned, it was the subject of the petition that was to be attended to, and a single person, a beggar, nay a foreigner, petitioning alone, had a right to be heard. But the noble lord reprobated the present mode of petitioning: it was dangerous and unconstitutional; for the associations had as much as declared, that if parliament did not grant the prayer of the petitions, other means would be taken than those the petitioners had used. But the noble lord begged leave to warn men against stepping out of the proper path; for the constitution had drawn a line for the people to go by, and if they transgressed they might expect to be punished with justice but without pity. For his part, he loved the constitution; he did not wish a better; and as there was still energy enough in government, he trusted it would be properly put forth to curb the disaffected, and support itself with the dignity it was bound to preserve.

Lord *John Cavendish* spoke of the legality of the meeting at York, and the respectability of the persons who had signed the petition. He said he had seen near 50,000 of his fellow-creatures wantonly butchered in an unnatural war, and could not but set his face against the ministers that had prosecuted it. He did not entirely agree with the noble lord, that as much attention ought to be paid to a petition signed by an individual, as by a body of people; because it was more likely that a body of people should have more to complain of, and that of a nature more important, than an individual. As to the meeting at York, for instance, the property of the persons petitioning was supposed to be not less than 800,000*l.* a year; and as rents had fallen one-third in value, they certainly had more right to petition than any one person could possibly have. The noble lord did not agree that it was the matter of the petition alone that was to be considered; because if a majority of the people of England were to desire even a worse government than we have at present, they would have a right to have their wishes gratified. He esteemed himself much obliged to the noble lord, for the very kind caution he had given him, in common with other petitioners, to take care, and not step aside from the constitution. He had taken care, and should continue to do so. Every one knew, that he had connections too dear and valuable to him, to wish for anarchy and confusion, but no consideration should warp him from exerting himself to the very utmost, in enforcing a compliance with the prayer of the petitions.

Mr. *T. Townshend* thanked lord Mulgrave for the very friendly hint he had thrown out, not to step aside from the line the constitution had marked out, for that if he did, he would be punished with justice, but without pity. He did not want to be informed of this; he knew well enough that punishment, without pity, would follow the friends of the people, if they should happen to step a little out of the path, and he believed ministry would do it now, if they dared. He adverted to the associations of Ireland, and reminded the House of the different treatment they had received from what the petitioners of England had experienced. He wanted to have a reason given him, why the people of England could not arm themselves, as well as the people of Ireland. There they had been complimented, here tra-

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duced. A proud secretary of state had, in the upper House, declared the petitioners factious, and the petitions libellous. This was, of all other men, the very last who should have uttered such words. The first he ever heard of the noble lord, was his turning out general Amherst from his government, next his conduct at St. Vincent's when the wretched Caribs were treated with every species of brutality, and soon after he found the noble lord writing letters to America, and piddling in the rebellion that afterwards raged through the whole continent. The hon. gentleman attacked the noble lord in the blue ribbon, for his assertion, that the influence of the crown had not of late years increased, and asked, what all the increase of our military had tended to but an extension of the influence of the crown.

Lord *North* entered very fully into a defence of the earl of Hillsborough, and urged the impropriety of taking notice of words spoken in another House. As to the influence of the crown, he again declared, that there were many gentlemen who did not think it too great.

Colonel *Barré*, as he had started the business, would take the liberty of detaining the House upon it, until they came to a right understanding. The noble lord, and he thanked him for it, had frankly told the House that any attempt at a diminution of the influence of the crown was to be resisted; he should therefore be glad to know of the noble lord, if when a commission of accounts should be chosen, it was to be an instruction to them, to avoid touching upon any thing that might tend to lessening the influence of the crown? This he particularly desired to be informed of, as it would be better to die in the cause at once, if no real and substantial service was meant the people of England.

Lord *North* declared his readiness to coincide and co-operate with a commission of account, but did not give an answer to the right hon. gentleman.

Mr. *Onslow* exclaimed in the most bitter terms against the petitions and petitioners; he did not like them, they were factious, and might do a great deal of mischief. It had been his fortune to have been educated in constitutional principles, and he could not bear to see such things. They made his heart ache; he vowed to God they did. He was down in Sussex a little while ago, and on a rainy day, taking a walk out, what should he see, but two men taking the heights of a hill, and when

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he asked them what they were doing it for, they told him it was for the duke of Richmond. This alarmed him exceedingly. But when he heard of the Sussex meeting, and their petition, he could not help feeling for the constitution, for he loved the constitution, by his soul he did. But this was not all he knew of the duke of Richmond. His grace was at the table of the duke d'Aiguillon in France, and the duke said, I wish, indeed, to see English pride humbled, but I wonder that an English duke should wish it. The hon. gentleman was here called to order by col. Barré, who thought it incumbent on him to explain himself as to the duke of Richmond, but the hon. gentleman denied he had traduced him, and defied the most captious imp of the law to hurt a hair of his head. After this, he went on a considerable time abusing the petitioners and their conduct, and appealed to every one that heard him, and to God Almighty, that what he said, was spoken from the feelings of his heart. In the course of his speech, he was called to order seven or eight times.

The character of the duke of Richmond was warmly defended by general Conway, col. Barré, Mr. Townshend, and Mr. Fox, the latter of whom was surprised the hon. gentleman should be alarmed because one of his Majesty's generals had sent two persons to take the height of a hill on the coast of Sussex, the better to enable him to put it in a state of defence. But it was so rare for any one to do any thing for government for nothing, that the gentleman was quite alarmed, especially when he heard of the petition. If any foreigner were to hear the language used by ministers, he would conclude that the petitions militated against the constitution, tending to overturn the constitution, and raise rebellion; and yet, were he to read them, he would find them to pray for nothing more than œconomy in the public expenditure. Formerly, the ministry accused opposition, every day, of wanting places, pensions, and sinecures; but, now that they prayed for an abolition of those things, they were charged with endeavouring to overthrow the constitution.

Debate on Sir George Savile's Motion for an Account of Pensions granted during pleasure or otherwise. Feb. 15. Sir George Savile moved for "an account of all places for life or lives, whether held by patent or otherwise, specifying the dates

of such patents, or other instruments by which such places are held, the names of the persons who hold the same, and the salaries and fees belonging thereto." By this account, he said, the House, and of course his constituents, would be able to judge of the services done to the state in return for the salaries paid by it. The motion was agreed to without any opposition. Sir George next moved, as part of his plan, and a prime object of the county meetings, for "an account of all subsisting pensions granted by the crown, during pleasure, or otherwise; specifying the amount of such pensions respectively, and the times when, and the persons to whom, such pensions were granted."

Lord Nugent opposed this motion. He said that many deserving persons enjoyed his Majesty's private bounty, who would not wish their names made public; some reduced gentry stood in the same predicament, and there were many lady Bridgets, lady Marys and Jennys, who would be much hurt at having their names entered in the proceedings of that House as pensioners of the state. Pride, in general, was apt to extend its influence more or less every where, but female pride was sanctioned, and partly approved of by custom; but if lady Jenny and lady Mary, who passed as persons of consequence in their respective neighbourhoods, were discovered to be mere pensioners and dependants on a court, they would soon lose the respect which their rank entitled them to. He knew there were several of those lady Marys and lady Jennys from North Britain; surely it would be cruel to rob them of their rights. There were some of those ladies in Ireland, at least some who had pensions on the Irish establishment. At all events, as their appointments were but small, and the object all taken together but trifling, he would be much better pleased that the hon. baronet would give up his motion.

Sir George Savile acknowledged, that so far as the lady Marys and lady Jennys and Bridgets came within the views of his motion, he felt equally for the inconveniences and disagreeable consequences arising from the circumstances of declaring the means which persons of rank, but small fortune, had to support themselves. To this very painful necessity he had nothing to oppose, but the important advantages which his constituents expected to reap from such a general disclosure. No man felt more for the delicacy and nice

feeling of lady Betty or lady Mary, but yet no man, considering the great object in view, could sacrifice those inferior feelings with more perfect resignation.

Mr. Cornwall said, the pension list consisted of two kinds; that paid out of the privy purse, and that paid at the exchequer, of which lord Gage was the paymaster. Those paid out of his Majesty's bounty, the noble lord who spoke lately had assigned a very sufficient reason for not publishing; and as for that paid at the exchequer, it was generally understood that no part of it was given to members of parliament, consequently it could not be supposed to increase the influence of the crown.

Mr. T. Townshend observed, that the very reason assigned by the hon. gentleman was the strongest that could be urged in behalf of the motion; that was, that the pensions paid at the Exchequer were supposed never to be paid to members of parliament: if so, then no inconvenience could possibly ensue, but the ludicrous one so often alluded to, which he presumed would not be seriously urged against so great and so constitutional a motion as that now in the hands of the chair.

Lord North said a few words against the propriety of the motion, though not against the motion itself.

Lord George Gordon rose to speak, but while he was on his legs the Speaker seemed to be suddenly taken ill. Colonel Barré then moved that the debate should be adjourned. A great confusion now arose, and after a few minutes the House adjourned.

Feb. 21. The House resumed the adjourned debate on sir George Savile's motion.

Lord North moved an amendment, to add after the word, "otherwise," the words, "and payable at the Exchequer." His lordship said, that he believed the true state of pensions were but very imperfectly known. All was not properly speaking pension, that appeared on the pension list. He enumerated a great number of salaries that were paid under the denomination of pensions: 35,000*l.* of what passed for pension list, was not really so. And after deducting this sum and the 4*s.* in the pound of tax on places and pensions, the sum remaining under the denomination of pension, was about 50,000*l.*, a sum less by 10,000*l.*, than that which an hon. gentleman (Mr. Burke) in

his plan for public œconomy, had thought proper to be trusted to the management of the crown, under the name of secret service money. He thought that the county meetings were very ill informed with regard to many important particulars. He was persuaded, if the people of England knew, that all they could expect from exposing the names of pensioners, was only the savings of a severe œconomy, applied to so small a subject as 50,000*l.* they would have greater liberality and delicacy than to insist upon the present motion. The hon. baronet had acknowledged that he called for the pension list with reluctance: that the motion which a regard to public welfare extorted from him, was grating to him; and so it must be to every humane and honourable man. To expose the necessities of ancient and noble families to the prying eye of malignant curiosity; to hold up the man who has a pension, to the detraction and envy of him who hates him, because he has none; to prepare a feast for party writers, and furnish materials for magazines and newspapers, which would magnify and misrepresent every circumstance in the whole detail of the account of the pensions—these were the bad effects, but he knew of no good ones that could result from an indiscriminate exposure of all who received pensions from government. He remarked a difference between the money that was granted to government for the express purpose of payment of public services and civil list money, which was granted freely, and without restriction or controul to the person of the King. Having again read his amendment, he proposed, on account of the Speaker's ill health, to leave the motion, thus amended, on the table till next day, and to adjourn.

The Speaker thanked the House for their kind attention; but found himself so much better as to hope, that the business of the House should suffer no farther interruption on his account.

Mr. Dunning said, that he would willingly have heard the sentiments of other gentlemen on this great and important occasion, before he troubled the House with his own; but if I am to speak to-night at all, said he, I must speak now, for at a late hour I am afraid lest I should not be able to make myself heard. It is not uncommon for gentlemen impressed with their subject, to bespeak the attention of the House, by holding up to their view its great magnitude and importance. But I

think I am not deceived by any warmth of imagination, when I look upon the motion now before us as the most momentous that has been agitated in this House for many years; for upon its fate the expectations of the people of England hang, with regard to the object of their numerous petitions. If the hon. baronet's motion shall be received as it came pure from his mouth, and unmixed with state-craft, then may the people hope their petitions will have the desired effect. But if it is to be frittered down into the Amendment proposed by the noble lord, there is no room to hope that any farther application from the people of England, of this kind, will avail them. We are making our last effort. We have thrown our last stake. I look with a mixture of fear and hope, and with much impatience, for the eventful issue.

I entertained some hopes, from the frank manner in which the noble lord gave his consent to the introduction of the present motion, that he would seriously give it his countenance and support. Unacquainted with ministerial arts and courtly stratagems, I foolishly thought that a noble lord, in a department so high and important, would think it below his dignity to pretend a zeal in a cause, which, in his heart, he abhorred. He must greatly under-rate the understandings of gentlemen in this House, and those likewise of the people at large, if he thinks that they will be duped by his gross artifices so far as to believe, that the difficulties he holds out, are the real objections which privately influence his heart when he opposes the motion. The sum of 50,000*l.* is certainly not such as to yield great savings to the nation from the most rigid œconomy. But the saving of money is but a secondary object. The reduction of the influence of the crown, is the first. If by cutting off 40,000*l.* from the civil list, we could cut off forty voters from that phalanx, whom no considerations of public utility can influence, whom no obstacles can deter from adhering to the minister of the day, in whatever predicament he may stand, I should think we had attained an important end; for not only would the saving of that 40,000*l.* prevent a profusion and waste of much greater sums, but consolidate the basis of British liberty.

The noble lord affirms, that nothing extraordinary has happened, which can be a specific foundation for demanding an account of the list of pensioners, and he stiles the motion new and unusual. Sir,

the exigency of the times is a sufficient foundation for this demand; and the voice of the people may perhaps be found sufficient to enforce. There are precedents on your Journals, so late as the year 1703, of an account being demanded and given of the expenditure of secret service money, and I shall by and by produce them to the House. The noble lord does not refuse to lay before the House an account of about 35,000*l.* paid by the paymaster of the pensioners, and at the public exchequer. That is, he offers to compromise matters, by giving us somewhat we do not want, in lieu of something we desire. What we may know at public offices, he will tell us; what is a secret among courtiers and placemen, he will keep a secret. With such designs, and observing such a line of conduct, ought he to be surprized, that the petitioners in the different counties of England are, on many political subjects, very ill-informed? He acknowledges their ignorance, and makes that ignorance an argument for not giving them what they desire—the means of better information. I will tell you what you may know from the public offices, if you will not importune me to tell you what you wish to know of our secrets. The country petitioners are very ill informed, therefore it is very impertinent in them to desire the means of better information. Sir, the absurdity of these arguments cannot be palliated by all the eloquence on this side of the House, by all the art on that, nor by all the ingenuity that is contained in the gallery.

A noble lord was against the motion on Tuesday night, from motives of delicacy to some of his old acquaintances, in his younger days, certain lady Bettys, and Bridgets, and Jennys in the kingdom of Ireland. But when his old friends read what he had said of them in the newspapers, they will not much thank him for his delicacy. He freely gives up his old female friends, but screens the great political defaulters, against whom and whom only this motion was levelled. Poverty is no disgrace where it is not brought on by vice or folly: it is no shame for persons nobly descended, when reduced to want through the extravagance or vices of some of their ancestors, to receive bounty from the royal hand. I should be glad to see the list of pensioners made up of persons of that description. But truly I suspect, that it abounds with persons of far less, even than the negative merit of inoffensive

maiden ladies in circumstances of indigence. The noble lord has objected to the exposition of respectable names to the prying eye of malignant curiosity. It would be a pity, that through any of our public measures, the names of pensioners should be inserted in magazines and newspapers, in which their characters would be traduced, their services depreciated, and a thousand little circumstances magnified or misrepresented! Is the noble lord aware of the severity of this censure on ministry? or has he spoken these words in the hurry of debate? If the list of pensioners is such as the noble lord needs not to be ashamed of, it would be his interest to have it published in all the magazines and newspapers in Great Britain. He ought immediately to employ his hireling scribes to insert it in their pamphlets, to lecture, to comment upon it, and to shew the world, that the jealousies and surmises with which we had been deafened concerning the pension list, are entirely without foundation. But, says the noble lord, there are many persons on the pension list, that I know nothing about; their pensions had been bestowed on them in former days, and it would be inhuman to take them from them now. This I will readily grant, and it is not against those obscure and forgotten pensioners that we would direct our attacks, but against your flourishing and well known pensioners, pensioners obsequious to the nod of the noble lord and devoted to his will. The merit of the obscure and forgotten pensioners, though it is nothing to the public, is greater than that of those who are so well known to the noble lord. The influence of the crown, said the noble lord, on a former occasion, is not, in the opinion of some gentlemen, any wise excessive or formidable. It is for that reason, it is because the noble lord and so many gentlemen think the influence of the crown no wise formidable, that it appears so formidable to me. They feel its comfortable influence, and good reason they have to cry out, It is no wise formidable, but on the contrary, very agreeable, very much suited to our wishes. But, says the noble lord, this is not a time to think of plans of reformation in the state, you will weaken the hands of administration, you will stop the wheels of government. This language goes abroad among ignorant and weak people, and they are deluded by the sound without examining the sense. Sir, what is government, but the execution of the laws of the

country, the preserving the constitution inviolate, for the good of the community. By public œconomy, we mean not to weaken, but to strengthen the hands of the crown, not to impede, but to facilitate the movements of the wheels of government. We wish, indeed, to take away that grease from them, which is exacted from the marrow of the people, while they are driving on in a wild career of folly and madness that must inevitably terminate in destruction; but we will restore it to soften and smooth their hinges, whenever they shall be entrusted to hands that will guide them in the paths that lead to glory and peace. It is a storm, says the minister of the day; all hands to work! but remember that I and my adherents are the ship; do not meddle with us, for if you remove us from the helm, down sinks the ship. Sir, I am not one of those who love to fish in muddy waters, or that seek to establish my fortune on the ruins of the state. The noble lord talks of gentlemen envying and hating placemen and pensioners, because they want places and pensions to themselves. But what place will the noble lord give me that I will accept? I know that speeches in parliament have little weight if professions are belied by public or private conduct. But I appeal to my public and private life for the sincerity of my sentiments, when I declare that I believe, that public œconomy, and that only, will retard the state of this downfalling nation. The arguments of the noble lord appear to me to be so absurd, that they are unworthy of him. This is not parliamentary debate, this is not reasoning we have now got into. Ministry flatly deny that white is white, or that black is black, and we as flatly affirm it. Matters are now, as is said in the language of hostility, at issue, between us. But whatever that issue may be, my conscience bears me witness, that I neither wish to be rewarded for taking any share in the salvage; nor participate in the wrecks of the state. I only wish to see the vessel sailing gaily and pleasantly, as in former times, and bound to friendly and propitious havens.

Lord North denied he had said it was a new motion, insisting upon it, that he had only quoted sir George Savile's words, and that he had said no more, than that the motion was an unusual one.

Mr. Dunning affirmed that the minister had said the motion was new.

Sir George Savile, in the strongest terms of disgust, and appearance of indignation,

reproved the noble lord for the disingenuous manner in which he had acted, for, though he might have said the motion was new, as the noble lord knew otherwise, he ought to have set him right, and not have used his words, making them his own, and building such a superstructure of exultation upon them. With respect to the pension list, the hon. baronet admitted, that he did not know what pensioners he and the House should think ought to be struck off, till the list called for should be produced. But, whatever the pension list might term it, such a character of it had gone forth, that it was become necessary the ministers should produce it for their own sakes. When that should be done, the worthy baronet said he would run his nose into every article of it, and such unmerited pensions as he could scent out, he certainly would endeavour to have discontinued.

Mr. *Dunning* considered the motion as the most important that ever came before the House, and would therefore prove that it was supported, not only by reason and justice, but by precedent. In pursuance of which, the Clerk read the entries of the 8th and 17th of January, 1710, when a similar motion was agreed to.

Col. *Barré* instanced another precedent of the 23rd of May 1679; when sir Stephen Fox being brought to the bar, was ordered home with three members of the House who had charge of him, to fetch his accounts, and was compelled to give the names of all the members of parliament that had pensions given them. Another precedent was also read, dated the 18th and 22nd of December 1703.

Mr. *Byng* called upon the minister to get up and declare like an honest man, if there were not pensions paid besides those received at the office of the Paymaster General, or the Exchequer; for he had very good information, that divers members of parliament, of both Houses, at the end of every session, received pensions; that a list was privately made out for that purpose, and burnt the instant after the pensions were paid according to it.

Mr. *Dundas* was for rejecting the motion *in toto*. There was no part of it fit to be complied with; and if the opposition knew any pensioners unworthy their pensions, why did they not point them out? The learned gentleman did not, in his conscience, believe there were any members of parliament that received part of the 48,000*l*. He was of opinion that the mo-

tion ought not to be agreed to, because to lessen the pension list was not amongst the propositions for a general reform of the public expenditure; and he verily believed, if the petitioners could be brought to the bar of the House, they would one and all declare they did not wish any enquiry at all into the list of pensions.

Mr. *Burke* said, it was not in the power of any language he was master of, to thank the noble lord (North) for the effusion of compliments he had poured upon the plan he had submitted to the House. The noble lord admired it prodigiously, it had riveted his panegyric, but when any part of it came under consideration, the noble lord himself was the first to condemn it. He liked the whole of the propositions, but when they were divided, he was sure to condemn them. The hon. gentleman was severe on the noble lord's account of the exchequer pensions, telling the House they were salaries, instead of pensions, though no proof whatever was given that they were salaries, and as to the minister's pretended delicacy, on account of this lady and that lady, the hon. gentleman believed there was no lady Betty, nor lady Jane, that would care a fig for the minister's exposing their names, if the pension were to be continued.

Mr. *Goodricke* supported the motion, with some very judicious and pertinent observations, and went fully into a justification of the petitions and the motives of the petitioners.

Mr. *T. Townshend* spoke in support of the motion, and ridiculed the pretext set up by the minister, that it would be meddling with the Civil List. The hon. member also opened a new matter respecting the 4½ per cent. on the West India ceded islands; and attacked the minister severely, for suffering the pensions of the duke of Gloucester and lord Chatham, which had been paid out of those duties, to be neglected, because those duties no longer continued.

Mr. *Fox* followed Mr. Townshend, in arraigning the conduct of the minister respecting the duke of Gloucester and lord Chatham, whose pensions were now seven years in arrear. With regard to the question, he agreed with his learned friend before him (Mr. Dunning) that it was the most important that could be brought before the House. The hon. gentleman severely reprobated the assertion of another learned gentleman (Mr. Dundas) that the petitioners, if at the bar, would disap-

prove of the motion; an assertion which was monstrous and too gross for any one to use, but the person who used it; because, to strike off all unnecessary and unmerited pensions, was certainly going directly to the two objects of the petition, which were, a reduction of the public expences, and a decrease of the influence of the crown. The hon. gentleman, in terms the most poignant and expressive, displayed in a thousand different shapes the disingenuous conduct of the minister in adopting sir George Savile's expression, and taking it upon himself, declaring to the House, over and over again, that the motion ought to be rejected, because it was a new one, though he knew at the same time, that it was not a new one, and there were precedents for it. The noble lord shook his head, but he would appeal to the House for the truth of what he had said, and for the pitiful subterfuge of the noble lord, when detected of sheltering himself under the word unusual. If the opposition had been guilty of such a meanness, such a baseness, they would never have heard the last of it.

He next adverted to the minister's fixing the motion to the pensions paid at the exchequer, and by the paymaster general, as if he did not know there were other pensions the House wanted to get at. As to pretending it was indelicate to give the pension list, it was to the last degree ridiculous, for the pension list of Ireland was every year given. A learned gentleman too, had called upon opposition, to name the person they suspected undeserving the pension he received, and was determined to keep back the pension list, which was the only thing that could enable them to do it, and as all great things were only to be done by detail, it was preposterous for the noble lord to reject this and that branch of the intended reform, because it would not make any great saving to the public. Yet it had been said, that a total abolition of the pension list would save the people but 48,000*l.* as if a number of such savings (and a number of them might be made) would not make up a very great sum total.

With regard to the denying the pension list, because it would be interfering with the civil allowance given to the King, the hon. gentleman was of opinion it ought to be exploded as fallacious, for though the money was given for the use of the crown, the House were competent to see if it was properly expended. The King had

his prerogative, and yet no one would say he might not abuse it, or that the House could not, on a suspicion of it, enquire into the fact. It was now incumbent on the minister to produce the list called for, for he challenged him to find any six members of the House that would get up and declare his belief that the pension list was not abused, or that persons were not hired for attacking the constitution, and vilifying its best friends; that all the abuses were not to be laid to the charge of the present minister he would allow, but the noble lord had so refined upon them as to have made them almost his own.

Some well-directed strictures were then applied by the hon. gentleman to the pensions, or salaries paid at the exchequer to the commissioners of the police in Scotland, and said it now cost the nation as much to keep the Scotch in good humour, as it had to suppress the late rebellion. The hon. gentleman here entering into the nature of that rebellion, denied it had failed, as was the language so familiar with many. It had, indeed, failed on the part of the Pretender; but his adherents had gained their point; they had got an influence here by the event, and from time to time improved it, he feared, to the utter destruction of the British empire. The hon. gentleman then touched upon America, and said, it had cost the public ten thousand times more to lose America, than it had to get it. He called upon the minister in the most pressing manner, to give the people satisfaction, for they believed the majority of the House to be under the influence of the crown, and he entreated the members to do their duty, and enforce justice, to consider who they were, and from whence they came, for that the people made them, and would certainly unmake them when they found they could no longer confide in them.

The hon. gentleman, with some pleasantry and a great deal of satire, adverted to the speech made by Mr. Smelt, at York, and vindicated him from the suspicion of being a bad man. The hon. gentleman understood and believed him to be a good character; but he had less prudence than some men. He came to the York meeting warm with the prerogative of the crown, and he could not help betraying those sentiments of loyalty he always heard amongst those he associated with. He excused him from having any greater dislike to the liberties of the people than other creatures of the court; all

that could be said was, that he had been weak enough to disclose what others were prudent enough to keep to themselves. With respect to the influence of the crown, the people, he knew, would have it lessened, however it might be resisted; and, for his part, he was of opinion it ought to be entirely destroyed.

The hon. gentleman next indulged himself in pointing out, with infinite ingenuity and humour, the characteristic versatility of the minister. In the course of the present debate he had said and unsaid a hundred times: sometimes the motion was new, and sometimes it was unusual: the noble lord was so adroit at this kind of tergiversation, that there was no one, however watchful, that would not be foiled in the attempt to detect him. The petitions, for instance, his lordship approved of exceedingly; but he liked the protests nevertheless, though they decried these petitions as libellous. As to Mr. Burke's plan, he gave the whole of it his sincere approbation; but there was no part of it he did not in reality dissent from. Who, too, was there in the House, that had not oftentimes been led to think, from the noble lord's words, that peace was upon the point of being made with America, though after the debate ended, they presently understood that nothing but war was meant?

The learned gentleman (Mr. Dundas) had declared it high time every gentleman spoke out, and the hon. gentleman wished he himself had done it, and plainly told the House what the ministers really intended. If any thing of his opinion could be collected, it was that the petitions tended to subvert the constitution, which was as much as to say, that the constitution was corruption, for the petitions only prayed for removing abuses. But no sooner were petitions presented for abolishing pensions and sinecure places, than strait a hue and cry was raised, and the constitution was said to be in danger, as if pensions and sinecure places were actually the constitution. This, the hon. gentleman pronounced a damnable doctrine; it was an hypothesis that was not true, and he trusted the constitution of his country would not be found to stand upon such a basis of mud and dirt. The hon. gentleman further justified the petitioner by drawing an analogy between the state and an individual. The petitioner, he said, came to government, and argued thus: You are engaged in a heavy and

expensive law-suit, and we beseech you to make every saving you can, to enable you to defray the expences of it, and go through it with effect. Upon the whole, he insisted upon it, that ministers were bound to grant the pension list, otherwise they were insulting the people of England, and had acted ridiculously in bringing up their petitions.

Mr. Attorney General *Wedderburn** rose to answer Mr. Fox as to a fact that he had mistaken relative to the pensions paid out of the duty of $4\frac{1}{2}$ per cent. Having satisfied the House upon that head, he went on to the general question, namely, whether the names of the pensioners should be granted on all the pension lists, or whether the particulars of lord Gage's pension list should be withheld, and the sum total only laid before the House. This subject he discussed with such a variety of argument, irony, eloquence, and knowledge, that it will be difficult to convey an adequate idea of it.

He stated the propriety of giving all due attention to the petitions, but the great impropriety of granting without examination, all their requests. He said, he believed the motives of far the greatest part of the petitioners were perfectly pure, but to suppose the motives of all of them so, was absurd; that there were persons who signed the petitions, who, if he should gravely state to them, that he believed they entered implicitly from conviction into the measure, would laugh at his folly, would ridicule his understanding, and would tell him he made an idle attempt to impose upon them. He therefore would fairly declare, that he believed that class of petitioners were incited by motives of a higher cast, and of a more extensive nature.

But, said he, the hon. gentleman (Mr. Burke) who laid before this House an extensive plan of political reform, in a great and masterly speech, has ably and elegantly expressed my sentiments on the subject. That what the petitioners expressed rudely, what they asked ignorantly, we were to mould into form, to explain accurately, and grant wisely. He said the petitioners prayed for many things that ought to be granted, but that in some things they were mistaken and misinformed. In such case it was the business of parliament to inform them. That nothing

* This Speech is taken from the *Political Magazine*, Vol. 1, p. 204.

could prove their misinformation stronger than what had passed in this debate. The hon. gentleman, (Mr. Burke) in his plan of reformation, had allowed 60,000*l.* a year as a fit sum for the royal bounty to grant in pensions, unenquirable into by parliament. Whereas, the noble lord near him, (lord North) had shewn that only 48,000*l.* per annum was so bestowed, 12,000*l.* a year less than that gentleman, in his love of œconomy, had thought proper. That consequently the present question traversed the path the hon. gentleman had chalked out for himself, destroyed the land marks he had set up, and placed thorns where he had strewed flowers. If the annual sum of pensions had been known, he said, it would not in his opinion, have formed a subject of complaint, and it was therefore fit for parliament, in this case, to correct the error of the petitions, and according to the hon. gentleman (Mr. Burke) to explain accurately how the fact stood, and not to grant blindly what they ignorantly, and for want of information, demanded. But there are many parts of the petitions, and many parts of the hon. gentleman's plan, that meet with my hearty approbation. For instance, nothing has been so constant and so invariable a principle of parliament, as that of preserving a landed revenue in the crown. The history of parliament shews it almost in every page. In my opinion it is an unwise principle, it is burthensome to the subject, and unprofitable to the crown, therefore I shall certainly go along with the hon. gentleman in that opinion. And though every particular regulation may not meet my idea, the general principle I perfectly adopt. The method of accounting for the public money, this too I agree in. Old establishments, very unfit for the present situation of this country, have been the cause of exorbitant emoluments; those ought to be reduced and the establishments altered. The same circumstances, too, have been the cause of great arrears remaining, useless to the public, in the hands of great public accountants; when a nation is pressed by war, when the people are burthened with taxes, the cry of unaccounted millions is just and natural, and it is the duty of parliament to listen to the people, and grant them relief. Here, then, I agree with the hon. gentleman, here I adopt the just and solid prayer of the petitions, and here I will go all lengths to grant their request. But with respect to reducing the

influence of the crown, here I must pause, and pay some attention to the kind of influence in question. If by this influence is meant that which is naturally vested in the king of this country, as the great executive magistrate of the kingdom, as forming one branch of the legislative body, as the fountain of honour and mercy, the rewarder of indigent and honest merit; to the impairing of that truly just and constitutional influence I cannot subscribe. But when the hon. gentleman who spoke last, talks not only of diminishing but of extinguishing that influence, he prefixes to influence the epithet of corrupt, and then, with all the warmth of his imagination, and all the force of his abilities, he denounces vengeance against corrupt influence. Who differs upon that subject? But the fair, the constitutional influence of the crown, arising from its situation, and tending to preserve it in its due place in the constitution, in my opinion ought not to be destroyed. I do not care by what nickname you call that opinion, but it appears to me solid and just, and therefore I adopt it; but were I to give it a name, I should call it a Whig opinion, an opinion adopted at the Revolution, and continued from that time, with the approbation of every Whig administration, and every Whig opposition.

The same hon. gentleman talks of corruption being an improper foundation for a free government, and in order to maintain the freedom of this country, corruption must be destroyed. I agree with him, that no free government ever has stood, or ever can stand, upon corruption, and it was only the lowest Grub-street writers who propagated that idea, falsely and injuriously to the respectable character of sir Robert Walpole, who could ever conceive that it could form the basis of this government, and this idea wickedly invented by them, has been idly and ignorantly adopted by foreign writers; it has been held forth, too, for the purposes of faction, but was never seriously believed but by the ignorant and misled. But the hon. gentleman has attacked the noble lord in the blue ribbon for disingenuity in using the word 'new,' which his hon. friend (sir G. Savile) made use of in moving the question, as applicable to the motion, and when facts have been stated and precedents brought forward to shew it was not new. The noble lord has endeavoured to save himself by substituting another epithet, and calling the motion unusual.

The hon. gentleman has praised the parliamentary ingenuity of the noble lord at the expence of his fairness. For my part, I shall think it necessary to take a very different line, for I mean to diminish the parliamentary ingenuity of the noble lord (and he possesses so much upon other occasions, that he may spare a little upon this). For if ever the noble lord shewed a deficiency of ingenuity, if ever he neglected to take up the strong and firm ground, he has done it to day. The gentlemen on the other side have quoted precedents, and the noble lord is supposed to have acted like an advocate, and not like a member of parliament, in not avowing those precedents. Now, Sir, had the noble lord availed himself of his usual ingenuity, he would have shewed how little those precedents avail in the present case, how inapplicable some of them are, and how much the authority, and imitation of the others should be avoided. And he would have proved, that giving the list required, is both unusual and new.

The first precedent I shall take notice of is, that of the 10th and 18th of Nov. 1707. This happened just upon the meeting of the first parliament of Great Britain, when an act had passed excluding all persons holding new offices, from sitting in parliament, and likewise all persons possessed of pensions during pleasure. A doubt occurred whether the act had a retrospect to pensions granted, or looked forward to those that were to be granted. In consequence of a resolution of the House therefore to explain that act, not with an intention of reducing the number of pensioners, the account of them was laid before the House. This precedent, therefore, does not apply. But let us see how the precedent of the 18th and 22d of Dec. 1703 applies, and whether it is worthy of imitation. Do gentlemen recollect the history of that parliament? and are those on the other side of the House ready to adopt the character of that parliament, and to imitate its conduct? This was the parliament that impeached lord Somers, lord Halifax, and lord Portland, that reviled the character of lord Orford, traduced the memory of king William [Upon this the opposition side called hear! hear! without an intention to ridicule, which brought forth a burst of eloquence not to be given.]

Hear! hear! said he, when upon this topic I wish to be heard, I glory in my sentiments, I take delight in delivering

them, they are my uniform, my uninfluenced opinions, no power shall change them, no gold shall give them a bias, no ambitious motive shall contaminate them. This, Sir, I say was the parliament, that ignominiously, despihtfully, wickedly, attacked all the great characters of the ministers of the illustrious deliverer of this country; who impeached lords Somers, Halifax, and Portland, without a fact to support their charge; who counteracted the principles of the Revolution, and endeavoured to sully the virtue of the Whigs; and it is of this parliament, that the bishop of Sarum says, in his History, and in my opinion, he says it truly, that French gold had found its way into the kingdom. So much for the precedent of 1703. Now for that of the 8th and 17th of January 1710. What was the character of this House of Commons? Was it more pure, or more upright than the former? Did not this House of Commons destroy the grand alliance, check the conquests of the duke of Marlborough, displace a Whig ministry, and establish Harley and St. John in their room? The faction of those days did, indeed, for a while impose upon the people; they made them believe they were oppressed, and persuaded them that the constitution had been violated; temporary discontents were the consequence of that belief, but the people, returning, as they always do after a short time, to their native good sense, discovered the imposition, and manifested in their conduct their detestation of the party that misled them. And what was the secret history of the vote that brought the pension list before the House in 1710? Mr. Harley and Mr. St. John, whose consequence arose from the support of the Tories, who had by secret means found their way into her majesty's closet, and had always moved this question against the ministers whom they displaced, became unwilling to touch it when they were themselves got into power. But the Tories, led on by the October Club, and with a man at their head whom several, who now hear me, are old enough to remember, the father of the late sir Simeon Stuart, took the lead in this House. Jealous of the desertion of their friends, and anxious to put their virtue to the test, they brought on this question: Harley and St. John finding they could not stem the torrent, were forced to give way to it, and they did it with more cheerfulness, because, as they had but just come into power, any blame that could arise must

have fallen upon their predecessors; and in this extraordinary manner was the House of Commons led by a person without power, and with no very brilliant parts, and both the old and the new ministry were driven to adopt a resolution which neither of them approved.

As to the precedent of 1715, it is shortly this: the ministers of the king were not unwilling to lay before the world, the abuses of the queen's ministers; they therefore brought the pension list before the House, all the pensions upon which had died with the queen: so that this precedent does not go to the pensions existing, but to pensions that had ceased to exist. From that period to the present time, though many opportunities have occurred to call for and give that list, it never has been given. Is it then uncandid? Is it disingenuous? Is it like an advocate, and unlike a member of parliament, for the noble lord to call this an unusual motion? Or is it singular that the hon. gentleman who made the motion should, after a lapse of 65 years call it a new motion? It cannot therefore be attributed to the noble lord as a crime to have made use of those words, but it may fairly be said, if the House go along with me in the account I have given of the precedents, that the noble lord's ingenuity has failed him upon this occasion, and that the parliamentary cunning and trick, which the hon. gentleman who spoke last has attributed to him, is by no means his due upon this occasion.

But, Sir, that hon. gentleman has been very strenuous in endeavouring to prove, that the present times are fit for reform, and that the objection of being engaged in a war is nugatory. This, the hon. gentleman has endeavoured to illustrate, by the trite story of John Bull and the law-suit. For the abstract case of the law-suit, which he endeavoured to put so ingeniously to the House, amounts to no more. John Bull's friends advise him to reform his expences, because he lives beyond his income, and John Bull says, "I am engaged in an expensive law-suit—stop till that law-suit is over." Can any thing be more absurd, says the hon. gentleman, than for John Bull to refuse to reduce his expences, because he is harassed by an expensive suit? But the hon. gentleman had forgot some of the most material circumstances, and never mentioned that the cause was to be tried at the next assizes, that a particular day was fixed for its coming on, and the other party was ready to appear.

In this situation of affairs, the friends of John Bull tell him, "You have an important law-suit coming on, for the greatest part of your estate; but before you think of that, before we retain your counsel, or give you any money to carry it on, you must regulate your private affairs. You have great farms in the north of England, out of repair, and out of lease; you have a considerable interest in the duchy of Lancaster; go, and let those farms, and attend to that interest. You have an expensive barren estate in the mountains of Wales, go and cultivate that estate, and render what is now unproductive and barren, fruitful and productive. You have mines in Cornwall, and a jurisdiction there that is ill constituted, relative to those mines; go and draw profit from those mines, and regulate that jurisdiction. The ignorance or the manners of your ancestors have handed down to you a family establishment, founded upon the antiquated principles of feudality, very unfit for the present times, attended with great waste, and unnecessary expence: you must reduce the number of your stewards, you must adopt a new method of providing for your table, you must alter the method of keeping and passing your accounts, and all this you must accomplish before you attend to your law-suit, for then, and not till then, will we, who have the management of your affairs, furnish you with money to carry it on." In the mean time the assizes come on, the other party is ready, the judge asks for John Bull, he is not to be found, and is consequently nonsuited for not appearing in court. Such would be the situation of this country, if no supplies are granted till all the regulations relative to public expenditure are agreed to.

But, Sir, to return to the list of pensions desired to be granted. The sum being so much smaller than was supposed, the application of that sum being not at all for the purposes of influencing the votes of members of parliament (because no member of parliament can hold a pension during pleasure) and above all, the sum being much below what it was thought reasonable for the crown to give in bounty and charity, without account, by those who are most strenuous in favour of œconomy, and against influence, it appears, that no reason but curiosity, can be given for producing the names of pensioners. [Mr. T. Townshend said across the House, "but there are wives of members of parliament in the list." This pro-

duced a vein of irony and humour that it is difficult to convey.]

A gentleman says, there are wives of members of parliament who have pensions: If it be so, is this age become on a sudden so virtuous, that what is given to a wife, is always given to the husband? Has the man and wife in these degenerate times, but one interest and one purse? But it may be said, that the first, second, third, and fourth cousins of members of parliament have pensions. Then one person says, "I wish to see the list, because a member of parliament has a first cousin in it, another, because he has an aunt there." I am sure the hon. gentleman (Mr. Townshend) who is perfectly a man of honour and feeling, is much above such motives: But "the Irish pension list is given every year, and therefore the English list may be given." And what advantage has accrued to government from this publication? The relations of many respectable families appear in that list, the ladies of some noble lords. Is this any comfort to those families? Does it produce any advantage to the public? The nerves of some people may be less liable to be affected than those of others, they may be less sensible upon those subjects, and have more firmness to bear abuse; but without an obvious public benefit, to have the virtuous, the noble, the tender-hearted, though indigent, pointed at without reason, is an invidious measure.

Invidiam, placare paras virtute relictâ?

Contemnere, miser—

To sacrifice virtue at the shrine of malice, to expose to the licentious obloquy, to the injurious misrepresentation, to the wanton criticism, to the envious sneer, and the scandalous defamation of the times, all that is delicate and sensible, all that indigent and modest virtue wishes to hide, is an unnecessary and useless measure. And nothing but the utmost necessity, nothing but the most obvious public advantage, should induce us to make a discovery of that kind.

But it has been said, that among the number of persons receiving pensions, there are, or may be some, who are improper objects of the royal bounty, some whose circumstances are not such as require that aid; and though it is allowed that in general, the persons are very properly chosen, yet in some particulars, the correcting hand of parliament may be necessary. So that to correct in a few unworthy instances, you are to expose all

the innocent and meritorious objects of support. Such reformation, or such punishment, seems to me but a frivolous doctrine, and will make every feeling mind cry out with Job: "If you be wicked, woe unto you; and if you be righteous, yet shall ye not lift up your head!"

Colonel Barré remarked, that not one Englishman had dared to support the minister, and severely attacked the Attorney General and Mr. Dundas, for the part they had taken, one of whom enjoyed sinecure places in Scotland, and the other was looking up to the first situation in the law department of this country.

The Attorney General felt himself much hurt at what had dropt from the right hon. gentleman, but hoped the good humour of the House would excuse it, as it was the constant custom of the right hon. gentleman to be personal against him, whenever he found himself disposed to speak.

Colonel Barré said it was false.

The House was instantly thrown into a general ferment, which prevented the Attorney General from speaking, who rose with great apparent anger. The Speaker, however, interfered, for the purpose of preventing any ill consequences, and the matter terminated by col. Barré's declaration, that in what he had said, he had meant nothing personal against the Attorney General.

At half an hour past one the House divided upon lord North's Amendment:

Tellers.

YEAS	{	Mr. Jolliffe	-	-	-	-	}	188
		Mr. Robinson	-	-	-	-		
NOES	{	Mr. Thomas Townshend					}	186
		Mr. Byng	-	-	-	-		

The motion in its amended state was then agreed to.

Debate in the Commons on the Nottingham Protest against the Petition for an Economical Reform.] Mr. Smith, member for Nottingham, informed the House, that a protest had been transmitted to him from some of his constituents against the petition which the corporation of Nottingham had lately presented to parliament, respecting the extravagant expenditure of public money. Greatly as he differed in opinion from the gentlemen who had signed the protest, he would willingly comply with their request to deliver it to the House, if he knew in what manner he was to proceed: he did not know whether the parchment he held in his hand was admis-

sible or not; but he requested the House would give him instructions in a matter which his inexperience in parliamentary forms rendered very difficult to him. That the House might be informed of the contents of the protest, he read it as a part of his speech: hence it appeared to the House, that the six junior counsel of the corporation of Nottingham had protested against the proceedings of the other eighteen; and that they assigned their reasons for their dissent. Mr. Smith acknowledged that the meanest individual had a right to speak his sentiments; and for that reason he would deliver his with that freedom that became an independent, that sincerity that became an honest man. The protestors he could not think had acted properly, in opposing a measure that had received the sanction of the corporation; but yet he would pay so great a deference to their request, as to move, if it was not inconsistent with the orders of the House, that the protest should be brought up.

Colonel *Barré* wished that the protest might be admitted, and that the gentlemen who had signed it, might be called to the bar of the House, to inform them where they learned the comfortable news that this country had not lost a great part of its empire. The petition from Nottingham asserted, that a great member of the empire had been cut off; the protestors declared the assertion not to be founded on truth; he would be happy to hear them support their declaration at the bar; and for that purpose would support any motion that should be made for bringing in the protest.

Mr. *Fox* declared he should be glad if the forms of parliament would suffer the instrument transmitted to his hon. friend, to be admitted into the House. If it was a petition and contained a prayer, it was admissible; if it did not contain a prayer, it was inadmissible: for his part, he did not know by what name to call it, petition, remonstrance, memorial, manifesto, or libel. But he was greatly inclined to give it the last name for many reasons. The protestors knew that from the informality of their protest, it could not be admitted, and yet attacked the character of those who had signed the petition, when it being impossible to take notice of the protest in a parliamentary way, the latter could not possibly have an opportunity to defend themselves. This he concluded to be truly a libel, because the court to which

the protest was addressed (the Commons of Great Britain) could not take cognizance of it; and he held the conduct of the protestors to be the more libellous, as they knew before hand, that the House could not admit their protest. He desired that some gentleman would be kind enough to inform him, for what purpose all the different protests through the kingdom had been signed. Was it that they might be laid before parliament? No: for worded as they were, and having no prayer, they were inadmissible: for what other purpose, then? None that he could see, unless it were to endeavour to deceive the public, and counteract those petitions, which the grievances of the people had extorted from them. The protestors of Nottingham spoke a very suspicious language; for while they disapproved of the conduct of that corporation, as being disrespectful to parliament, they themselves had appealed from the parliament to the people at large, by drawing up an instrument, which parliament could not admit; and which, consequently, could be known only to the people. He then moved, that the protest might be brought up, though, at the same time, he confessed that he himself would put a negative upon it.

The *Attorney General* was of opinion, that the hon. gentleman to whom the junior counsel of Nottingham had addressed their protest, might have easily got rid of the difficulties he professed himself to labour under, by letting his constituents know, that in its then form their protest could not be brought before parliament, it being an established order, that nothing could be admitted from the subjects, that did not come in the shape of a petition, containing a prayer. For his own part, he could not but admire the doctrine laid down by gentlemen, that it was legal to petition, but libellous to protest. No man could admit the right of petitioning to a greater extent than he did; but, from the very principle which established the right, he deduced an equal right to protest. The subject having a right to express his sentiments, he had an undoubted right to declare, that sentiments of other people attributed to him were not his sentiments; and he could not conceive how gentlemen could reject the right in one instance, without overturning it in the other. A petition purporting to be the petition of the freeholders of a county, and yet containing positions which many freeholders in that county denied, ought not in

justice to be binding on all; and if those whose sentiments it did not convey, should protest against it, he could not tell on what ground of law, reason, or common sense, they could be pronounced libellers. He had not signed either petition or protest, and would not, and therefore could the more freely deliver his sentiments on both. Some of the protests complained of associations; but that was neither libellous nor wonderful. He, indeed, apprehended nothing from the present associations; but gentlemen might remember, that a very great judge in the King's-bench, who had been dead some years, had given it as his opinion, that associations of every kind, though for legal purposes, were in themselves illegal; nay, the association for carrying into execution the game-laws, he had declared illegal, because he would have the laws executed by their own force, and not by associations. His private opinion did not go quite so far as that of the learned judge to whom he alluded, on the article of associations; but he admitted that they had in general, though he apprehended nothing from them now, a natural tendency to confusion. Upon the whole, he maintained, that the right of protesting was as well established as that of petitioning; and he could not but be surprised that gentlemen should wish so far to controul others in the exercise of a right which they themselves assumed—to declare their opinions. To stand up for it in one case, and condemn it in another, was a monopoly of liberty on one side, and a proscription of freedom on the other. Such conduct was unmanly, and unconstitutional.

Mr. Fox complimented the Attorney General on having altered his opinion a little on the subject of libels and petitions.

The *Attorney General* would not receive the compliment, as he did not deserve it on the grounds on which the hon. gentleman was inclined to give it. He assured Mr. Fox that he had the advantage of him, as there had been a time when the hon. gentleman as much condemned, as he now supported, the right of petitioning. For his part, he always uniformly and invariably had maintained it.

Mr. Dunning endeavoured to ward off the blow which had been aimed at his hon. friend in the above short reply, by suggesting that he was as vulnerable himself in that quarter as Mr. Fox. He likewise spoke on the subject of the protest. The gentlemen on the other side of the House

certainly wished to have the contents of the protests made as public as possible, they therefore could not be against the admission of that from Nottingham. He did not know the contents of the protest, but greatly desired to hear them; he therefore would vote that it might be brought up; and he trusted, that as the other side of the House concurred so far in opinion with him, they would not put a negative on the motion.

Sir Richard Sutton believed that the nature of the protest from Nottingham was not properly understood. The six junior counsel who had signed it, did not speak for themselves only, but for the burgesses of Nottingham. This appeared from the constitution of that corporation. The common council was composed of 24 persons: 18 of these were called the senior counsel, and filled up all vacancies in their body themselves: the six junior, on the contrary, were elected by the burgesses at large; and if the burgesses had elected men of their own principles, which was most likely, the protest might be called the protest of the burgesses of the town of Nottingham, though it was signed only by six persons. These six were like so many tribunes of the people, elected for the purpose of watching over the self-elected eighteen seniors of the common council.

Mr. Burke commended the elegance of penmanship that appeared in engrossing the protest, but inveighed warmly against its contents. That it was libellous, he insisted in very strong terms. It ascribed the worst of motives to the petitioners, and was worded in such a manner, that it could not be brought before that court that was to try the merits of the petition. It gave the lie direct to the corporation, in denying the position that the empire had lost one of its principal limbs. If they would come forward, and prove that we had not lost a great part of the empire, he, for one, would move for opening the committee of supply, generously to reward them for the agreeable news. But the protest did not libel the petitioners only, it went so far as to libel that very House, the honour of which it pretended to be zealous to support. That House was certainly the best judge of what was respectful or disrespectful to itself; it had found the petition from Nottingham so respectful, as to admit it, without objection; and yet the protesters insolently set themselves up as judges of what was due to the dignity of that House, and pronounced that to be disrespectful,

which the Commons of England, ever jealous of their own dignity, had found so respectful as to admit without opposition. He knew the forms of the House would not suffer the protest to be introduced; and he was sorry for it, as he was greatly anxious to see all the protests laid upon the table.

Lord *North* found the arguments against the protest in question to be childish and absurd. One gentleman had said, that care had been taken to word it in such a manner, that it might not be admitted. Could that gentleman be serious, when he saw that it was addressed to the Commons of Great Britain, and had been transmitted to an hon. member, to be by him presented to them? He held it to be much more probable, that wishing that their protest might find its way into the House, the protesters had worded their sentiments in the manner in which they appeared, merely because they were uninformed of the order of the House. To argue from the informality to the intention of men little conversant in parliamentary forms, was what logic would not justify; but to convert this informality into a libel, was a stretch of reasoning that nothing but extravagance could countenance or approve. Another gentleman had accused the protesters of disrespect to the House, even while they were rejecting a petition merely because they thought it disrespectful. And he proved they had been wrong, because the House had not objected to the petition. For his part, he could not admit, that because a petition is suffered to be brought up, it must necessarily follow that it is critically respectful. If the object of a petition was in itself proper and constitutional, he always held the right of petitioning so sacred, that he would not oppose its introduction because it might be worded in a more respectful manner. Therefore the gentlemen ought not to have made its admission without opposition, a ground for proving that it was respectful. But even if it was so, the protesters in the present case were free from any imputation of intentional disrespect to the House, because they had drawn up their protest before the petition, against which it had been levelled, had been presented to the House. However, if it had been made after the admission of the petition, the protest only contained an opinion, and it was rather unkind to handle people so severely for an opinion. For his part, he was not without his opinion

on the subject; and he agreed pretty well with the protesters: associations at present he held to be highly dangerous, as they had a natural tendency to sow the seeds of discord and division in the state, when unanimity and concord were so necessary. He knew that according to the forms of the House, the protest could not be admitted, because it contained no prayer; he was sorry for it, and would be glad that it had been worded in a manner that would have rendered it admissible.

Mr. *Fuller* said, that when the petition for Sussex had been agreed to, he was down at Southampton canvassing for that honour, which the electors of that town had since conferred on him. It was impossible for him to be in two places at once. The petition was produced ready framed at the county meeting, and agreed to in one day. When he read the petition he disapproved of it: was it improper in him to express that disapprobation publicly? was it libellous in him to say that he was not included in that petition which purported to be from the county at large? Was it candid in gentlemen to call him a libeller? Did not those who called him by so opprobrious a name, for having done that in which he was warranted by reason and the constitution, deserve the appellation of libellers themselves? He knew that many gentlemen were prevented, as he had been, from attending the county meeting; he therefore contended, that he and they had a just and indisputable right to disclaim those opinions which the petition falsely ascribed to them.

Mr. *Rous* begged, that as the protests in general asserted some things that it would be proper to discuss, the House would dispense with its standing order, on so extraordinary an occasion.

Mr. *Adam* lamented, that the protest was inadmissible from its informality, and could not but condemn the gentlemen who reprobated as libellers, those who held associations in general to be dangerous. The present associations he was not afraid of; but it was because he trusted to the moderation of the gentlemen engaged in them; otherwise he held them to be of so dangerous a tendency, that if they should become general, they might at last degenerate into meetings absolutely dictatorial, and which, in the end, would render parliament a mere court of record, to register their arbitrary dictates.

The order of the day being called for, Mr. *Fox's* motion fell to the ground.

Copy of Mr. Burke's Establishment Bill.] Feb. 23. Mr. *Burke* presented to the House his Bill for a general Reform in the Public Economy; of which the following is a Copy;

A BILL for the better Regulation of his Majesty's Civil Establishments, and of certain Public Offices; for the Limitation of Pensions, and the Suppression of sundry useless, expensive, and inconvenient Places; and for applying the Monies saved thereby to the Public Service.

Whereas the large aids which have been given and granted to his Majesty in support of the present war, have caused a very considerable increase of the public debt, and have subjected the good people of this realm to many burthens and inconveniences:

And whereas further grants of his Majesty's faithful Commons, and further burthens on the subject, may be still necessary, and it the bounden duty of the representatives of the Commons of this land, as well as most agreeable to his Majesty's fatherly love to his people, who have loyally and dutifully borne several new impositions in support of the honour of his crown, that all due care shall be taken, by a reduction of unnecessary charges, by introducing a better order into the management of the expences of his Majesty's civil establishments, by rendering the public accounts more easy, by a further security for the independence of parliament, and by applying monies which are not now so profitably husbanded to the public service, to afford all possible relief and comfort to the said deserving people, adding thereby strength to his Majesty's government, and giving the greater effect to his exertions against the ancient enemies and rivals of his crown and kingdoms: in order, therefore, to make some provision towards the said good purposes, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the the office commonly called or known by the name of third secretary of state, or secretary of state for the colonies (the same not being necessary) together with the offices of the under secretary, or under secretary of state, for the said department, and the places of all clerks or others employed in or under the

said office or offices, shall be, and the same is hereby taken away and abolished.

And be it further enacted by the authority aforesaid, that from and after the the office commonly known by the name and description of the Board of Trade and Plantations, the commissioners whereof receive salaries for their attendance in the execution of the said commission, together with the office or offices of the secretary or secretaries, and all other offices belonging, or reputed to belong, to the said Board of Trade and Plantations, shall be, and the same is hereby taken away and abolished.

And be it further enacted by the authority aforesaid, that the duty now done by the third secretary of state, or secretary of state for the colonies, shall be done and performed by one or both of the other secretaries of state, according as his Majesty, in his wisdom, shall from time to time direct and appoint.

And be it also enacted by the authority aforesaid, that the duty or business done, or which ought legally to be done, by the commissioners, commonly called the Board of Trade and Plantations, shall be performed in the manner in which the same was done or performed by his Majesty's privy council, or any committee or committees thereof, before the particular institution of the said board, or in any other manner which his Majesty shall hereafter in the said council direct and appoint to be by the said council, or any committee thereof, done and exercised.

And be it hereby enacted by the authority aforesaid, that all authorities, powers, and duties, which by an act or acts of parliament are directed to be exercised and performed by the said commissioners of trade and plantations, shall be transferred to the said privy council, or any committee of the same, in the like manner, and with the same directions, powers, and trusts, as by the said acts of parliament, or any of them, is or are vested in the commissioners of trade aforesaid.

And whereas the constitution of certain offices of the court, and of his Majesty's household, hath been framed, in many particulars, upon usages and customs which are long since discontinued, and the keeping up the same is inconvenient, and hath a tendency to create expence, and to prevent the superintendence necessary for establishing good order, and the frugal administration of his Majesty's Civil List Revenues, and the proportioning the se-

veral parts thereof to the necessary charges of his Majesty's government; be it enacted by the authority aforesaid, that from and after the the offices of the treasurer of the chamber, the treasurer of the household, the cofferer of the household, the comptroller of the household, the offices commonly called the master of the household, and clerks of the green cloth, and the deputies, clerks, and assistants of any of them, and all inferior offices appertaining to the said above-named offices, or reputed or taken to belong to the said offices, or reputed offices, or any of them, be abolished and taken away, together with all the offices, or reputed offices, belonging to or depending on the same.

Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed to extend, to take away or in any respect derogate from the jurisdiction which now may be lawfully exercised by the court commonly called the Green Cloth; but that the same may be held and exercised, and it is hereby enacted that the same shall be held and exercised, with all the accustomed lawful jurisdiction, powers, and privileges, belonging to the same, by the chamberlain of the household, the steward of the household, the vice chamberlain of the household, the groom of the stole, and the master of the horse (without any treasurer or clerks of the Green Cloth) any thing in the present act, or any other statute, law, or usage, to the contrary notwithstanding.

And whereas his Majesty's loyal subjects are interested that his Majesty's household should be kept up and maintained with due dignity, and at the same time that his Majesty's establishments should not be encumbered with debt; and forasmuch as the reducing all standing expences to certainty, contributes much to good order and magnificence, as well as to the prevention of all delays of payment, dishonourable to the crown, and burthensome in the event to the public; be it enacted by the authority aforesaid, that the lord steward of his Majesty's household may and shall take an account of all persons who now are maintained, or whom his Majesty shall order to be maintained, at board, during his Majesty's pleasure, in his Majesty's household, and may and shall distribute the same into a certain number of tables, for a certain number of persons, according to the quality and condition of the persons who shall be

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so tabled; and shall contract for the keeping up the same, and all things to the same appertaining, at a fixed sum by the head; which contract or contracts shall be previously examined by the Board of Treasury, and shall, on due examination, and calling before them persons experienced in such matters, be approved or disapproved by the same, in the whole or any part thereof; and the sum which after such examination shall have been agreed to be paid to the contractors, shall be paid and discharged at the exchequer, and not elsewhere, by order from the lord high treasurer, or the lords commissioners of the treasury, for the time being; which order shall not be given until a certificate shall be produced from the lord steward of the household, that the said contract hath been faithfully performed, according to the true intent, meaning, and full effect thereof: provided, that nothing in this act shall extend, or be construed to extend, to restrain his Majesty from adding to, or diminishing the number and quality of the tables of his household, at his pleasure, provided that such new, as well as the old establishments, shall be kept by contract, with the regulations and conditions herein before enacted.

And be it enacted by the authority aforesaid, that the said contractors shall be, for all matters relating to the due execution of the aforesaid contracts, under the constant and immediate direction and inspection of the said lord steward of the household.

Provided also, that every person who shall make or execute such contracts with the lord steward of the household, shall really and *bonâ fide* be such as is at the time of making such contracts or has been within years before the time of contracting, engaged in the trade and occupation in which he makes the said contract, and no other; and that no person shall have or enjoy the profit of the said contracts, or any share or part of the benefit thereof, except the immediate person or persons who shall have contracted for fulfilling and executing the same, under the penalty of for every offence contrary to the true intent and meaning of this provision, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, in which no essoign, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; nor shall any person having a contract be, during

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the time of his holding thereof, capable of being elected, or of sitting and voting as a member of parliament.

And be it further enacted, by the authority aforesaid, that the office of the great wardrobe, the office of the removing wardrobe, the office of master of the robes, the office called the jewel office, and all the places and charges, whether of persons presiding in or dependent on them, or any of them, of what nature soever, except those of one house-keeper, and one wardrobe-keeper (the said places to be united after the possession of the present occupiers) in each of his Majesty's palaces and houses, shall be, and the same are hereby abolished.

And it is hereby enacted by the authority aforesaid, that from and after the the office commonly called the board of works shall be abolished, together with all the offices thereof and thereon dependent.

And be it enacted by the authority aforesaid, that all the King's buildings shall be under the direction of some one person who shall be constituted and appointed by his Majesty, during his royal pleasure, surveyor or comptroller of his Majesty's works; and all the royal gardens shall be under a person who shall also be appointed by his Majesty, during his Majesty's pleasure, surveyor or comptroller of the King's gardens, at such salaries as his Majesty shall please to appoint; the said surveyor or comptroller of such works, being *bona fide* by profession an architect or builder; and the said surveyor of gardens, in like manner, a gardener, or improver of grounds; and the said persons, during the holding of the said offices, shall be, and they are hereby declared to be incapable of being elected into, or of sitting and voting in parliament.

And be it enacted by the authority aforesaid, that if any building, or any repair, shall be thought fit to be erected, made, or done, about any public building, or if any public work or works for his Majesty's service shall be undertaken, or any sum or sums of money shall be directed to be laid out for the said purposes, or any of them, above the sum of to be incurred within the surveyor or comptroller of his Majesty's works, shall present a plan (if a plan should be necessary or usual in such works) and an estimate of the same to the lord chamberlain, who shall certify the same to the commissioners of his Majesty's treasury, which board

may authorize the said surveyor, architect, or builder, to execute the same; and if the costs and expences of the said work shall be likely to exceed the sum of in the whole, they shall and may direct the said surveyor to contract for the execution of the said work; who may and shall report upon, and controul the execution thereof, in all its parts, and at all times, during the progress thereof.

Provided always, that it shall not be lawful for the said surveyor, architect, or builder, to make any contract as aforesaid conclusively, until the same is approved by the commissioners of the treasury, or to make any addition in the expence exceeding above the plan or estimate, until the same shall be approved by the said commissioners of the treasury; nor shall the said commissioners be authorized to make any payment, or part of payment, by virtue of the said contracts, which in the whole shall exceed the sum of until the same shall be surveyed by a builder of credit, not concerned in any of the public works; who shall be called in, and allowed per day for his trouble, and shall certify to the said commissioners of the treasury, upon oath (which oath the said commissioners of the treasury are hereby authorized and required to administer) that the work hath been executed, as far as the same hath proceeded, in a workmanlike and durable manner, and with the best materials; provided that the same builder shall not be twice successively employed in the said survey.

And be it enacted by the authority aforesaid, that no new works in his Majesty's parks or gardens, the expence of which may exceed in the whole the sum of above the ordinary charge (an estimate of which ordinary charge is hereby directed to be laid quarterly before the commissioners of the treasury) shall be undertaken or performed without an estimate, which shall be approved and ordered to be executed by the said commissioners of the treasury; who shall issue, or cause to be issued, the money for the execution of the same, as well as for the said ordinary charge, which is hereby directed to be paid monthly to the surveyor of his Majesty's gardens.

And be it further enacted by the authority aforesaid, that the several duties performed in certain departments and offices but by this act suppressed, shall be hereafter performed by the persons and in the manner following; (that is to say) that the

payment of all salaries, and other charges whatsoever, which were heretofore paid or payable by the treasurer of the household, treasurer of the chamber, or cofferer of the household, shall be hereafter paid at the exchequer, upon the certificate of the lord chamberlain, vice chamberlain, or steward of the household, within their respective departments, to the commissioners of his Majesty's treasury, that the same is due.

And it is hereby enacted, that the furniture, pictures, jewels, plate, and all other moveables whatsoever, formerly under the care and management of the office of great wardrobe, or other wardrobe, or jewel office, or any of them, shall be hereafter committed to the care and management of the lord chamberlain or vice chamberlain; and it is hereby provided, that all furniture, and other moveables, to be purchased for the use of his Majesty's household, exceeding in value the sum of shall be contracted for by the lord chamberlain, in the manner, and with the like limitations, with which contracts are by this act directed to be made, with regard to the maintenance of his Majesty's household, and the public works.

And it is hereby enacted, that the office of master of the robes, and all things thereto belonging, shall be executed and done by the groom of the stole.

And, for the better regulation of the department of the master of the horse, it is hereby provided and enacted, that all expences attendant on the royal stables (except the buying in of horses) be performed by contract, in the manner and with the provisions and limitations herein before expressed, with regard to other contracts; and that the several offices of master of the buck-hounds, fox-hounds, and harriers, be abolished and taken away; and that whatever relates to the expences of such last-mentioned offices, shall be provided for, as much as may be, by contract, by the senior equerry or gentleman of the horse; and the payments for the same, on their accounts being allowed by the master of the horse, are to be made at the exchequer, along with the other charges of his Majesty's stables, by an order from the commissioners of the treasury.

And it is hereby enacted, that every office to the said stables belonging, which, by the making of the contracts aforesaid, shall be rendered useless, shall be and is hereby abolished.

And, for the better regulation of certain places about the court, and the making the same of more advantage, and more suitable to the purposes of their institution, it is hereby enacted and declared, that the places of lieutenant and ensign, and all other inferior officers of or belonging to the body of the yeoman of the guard, after the determination of the offices respectively in the present possessors thereof, and also that all commission and other offices belonging to the band of gentlemen pensioners, under the captain of the band, as also the vacancies in the band of gentlemen pensioners, shall not be sold, but shall be filled only by officers of the army or navy upon half pay, of fifteen years service from the date of their first commission.

And it is enacted, that the holding the said offices, or any of them, shall not disable the said officers from holding and receiving also their half pay.

And, as the pension lists are excessive, and not properly regulated; be it enacted by the authority aforesaid, that from and after the the office of paymaster of the pensions shall be, and the same is hereby abolished; and that no pension whatsoever on the civil establishment shall hereafter be paid but at the exchequer, and along with those pensions which are now paid and entered in the exchequer under the head, title, or description of pensions; and that those which are transferred thither by this act, shall be subject only to their present fees and taxes.

And it is hereby further enacted by the authority aforesaid, that no pensions shall be granted on the said establishment, except on the address of either House of Parliament, until the whole of the said list, made according to the directions of this act, shall be reduced to yearly; which sum it shall not be lawful by any grants, except as above excepted, to exceed; and that no pension hereafter to be granted to any one person, except as before excepted, shall amount to more than the sum of yearly.

And whereas a custom hath prevailed of granting pensions on a private list during his Majesty's pleasure, under colour, that in some cases it may not be expedient for the public good to divulge the names of the persons on the said list, or that it may be disagreeable to the persons receiving such payments to have it known that their distresses are so relieved, or under a pretence of saving the expence of fees

and taxes on small pensions; by means of which said usage, much secret and dangerous corruption may hereafter be practised, and the before enacted wholesome provision be in some manner evaded: and whereas it hath pleased Almighty God, in his providence, frequently to visit with distresses all orders and conditions of men, and that persons of the greatest worth are oftentimes meanly provided with the goods of fortune, and that it is no disparagement for any person to be relieved by the royal bounty in their distress, or for their desert, but, on the contrary, most honourable to be thought worthy to be so favoured, as appeareth by many of highest place and desert who have been and now are frequently put upon a public list, greatly to their own contentment, and to the furtherance of their estimation: be it therefore enacted, that all persons (except as hereinafter excepted) who now are entitled, during his Majesty's pleasure, to any pension, or any private or secret pension list or lists kept by the first commissioner of the treasury or chancellor of the exchequer, or one or both of the secretaries of the treasury, or private secretary to the chancellor of the exchequer or first commissioner of the treasury, or some clerk of the treasury, or any of them, or any other person or persons, shall be no longer paid privately; but that the names and pensions of the said pensioners, and every of them, as they shall be *bonâ fide* certified, upon oath of the keepers and paymasters of the said lists, to have stood entitled on the said lists, on the day of be carried to the pension list in the exchequer, and be there paid, without any fee, deduction, or tax whatsoever, for and during the time of the continuance of the said pension at his Majesty's pleasure, to the present grantees thereof.

Provided that nothing herein contained shall restrain, or be construed to restrain, the first commissioner of the treasury, by his Majesty's consent, from taking away, or causing to be taken away, from the private list or lists of such pensions, before the same are entered in the exchequer, according to the directions of this act, the names and pensions of any person or persons which at present are entered on the said private list or lists, or any of them.

Provided also, that it shall and may be lawful for the first commissioner of the treasury to return into the exchequer any

pension or annuity, without the name of the person to whom the same is to be paid, on taking an oath before the barons of the exchequer, or one baron of the exchequer, or before the cursitor baron, in the form following; viz.

" I *A. B.* do swear, that, according to
 " the best of my knowledge, belief,
 " and information, the pension or
 " pensions, or annuity or annuities,
 " returned without a name by me
 " into the exchequer, hath or have
 " been given for the service of the
 " state in its foreign affairs, and in
 " my judgment the divulging thereof
 " may be of detriment to the state in
 " its foreign transactions; and I
 " swear that the same is or are not,
 " to my knowledge or belief, directly
 " or indirectly, for the benefit, use,
 " or behoof of any member of either
 " House of Parliament, or applica-
 " ble, directly or indirectly, for the
 " purpose of supporting or procuring
 " an interest in any place returning
 " members to parliament.

" So help me God."

And that on taking the said oath, the pension or pensions, annuity or annuities aforesaid, shall be paid at the exchequer, to the order of the first commissioner of the treasury, and his receipt shall be taken for an acquittance of the same.

Provided further, that if the said pension should continue on the said list for more than years, the first commissioner of the treasury, or one of the secretaries, or one of the chief clerks of the treasury, shall make oath, before such pension shall be paid at the exchequer, that they do believe that the person for whose use the said pension or annuity hath been granted is living.

And for preventing, as much as may be, all abuses in the disposal of monies issued under the head of secret service money, or money for special service; be it enacted, by the authority aforesaid, that it shall not be lawful to issue or imprest from the exchequer, or order to be paid by a treasury warrant, or under sign manual, or otherwise, to any secretary or secretaries of the treasury, or to any other person or persons whatsoever, for the purpose of secret service within this kingdom, any sum or sums of money which in the whole shall exceed the sum of in any one year.

And be it enacted by the authority

aforesaid, that when it shall be deemed expedient by the commissioners of his Majesty's treasury to issue, or in any manner to direct the payment of any sum or sums of money for foreign secret service, the same shall be issued and paid to one of his Majesty's principal secretaries of state, or to the first commissioner of the admiralty, who shall sign a receipt for the same, upon parchment or vellum, and which said receipt shall, within

days, be filed at the exchequer; and the said secretary or secretaries of state, or first commissioner of the admiralty, shall, for his discharge at the exchequer, within years from the date of his said receipt, produce the receipt of his Majesty's minister, commissioner, or consul in foreign parts, or of any commander in chief, or other commander of his Majesty's navy or land forces, to whom the said money hath been sent or given, that the same hath been received and applied for the purpose for which the same has been issued; which said receipt shall and is hereby directed to be filed in the exchequer, in order to charge the said minister, commissioner, consul, or commander of his Majesty's land or sea forces, with the same; and the said receipt, on proof of the hand-writing by legal evidence, or by comparison of hands, shall be sufficient to acquit and discharge the said secretary or secretaries, or first commissioner of the admiralty, in their said account at the exchequer.

And be it enacted, that any foreign minister, consul, or commander of his Majesty's land or sea forces, who shall stand charged at the exchequer for or by reason of any secret service money by him received, shall stand discharged and acquitted thereof, if, within after his arrival in Great Britain, he shall make oath before the barons of the exchequer, or one of them, in the form following:

"I *A. B.* do swear, that I have disposed
 " of the money entrusted to me for
 " foreign secret service faithfully, ac-
 " cording to the intent and purpose
 " for which it was given, according
 " to my best judgment, for his Ma-
 " jesty's service.

" So help me God."

Provided always, that whenever it shall be necessary for the principal secretary or secretaries to make payment of the said money, so issued for foreign secret service, in any place within this kingdom,

then it shall be sufficient, to acquit and discharge the said secretary or secretaries, or first commissioner of the admiralty, for such secretary or secretaries, or the under secretary of state in the office to which such secret service money hath been paid, or for the first commissioner of the admiralty, or the secretary of the admiralty, to make oath before the barons of the exchequer, or one of them, or before the cursitor baron, in the form following:

"I *A. B.* do swear, that the money
 " paid to me for foreign secret ser-
 " vice, has been applied to the said
 " purpose of foreign secret service,
 " and no other; and that it hath not
 " appeared to me convenient to the
 " state that the same should be paid
 " abroad.

" So help me God."

And be it enacted, that whenever any sum or sums of money shall be issued for the purpose of special service, or shall be given of his Majesty's royal bounty, to any secretary or secretaries of the treasury, or others, the said sum or sums of money, together with the special service or services, or as royal bounty, to which the same is or are applied, as also the name of the person or persons to whom the said money is paid, shall be entered in a book to be kept for that purpose in the treasury, and a faithful transcript thereof shall, on or before the day of in every year, be deposited in the exchequer.

And whereas the establishment of an invariable order in the payment of salaries, and other charges on the civil list, will enable those who have the charge thereof, the better to provide for the several services to which the said civil list money ought to be applied, and will be the means to prevent the incurring of debt; be it enacted by the authority aforesaid, that from and after the day of the commissioners of the treasury shall and are hereby required to observe the following order in their payments, for which warrants are to be sent by them to the exchequer; namely, that they shall, in the first place, direct the payment of the salaries of the lord high chancellor of Great Britain, or lord keeper of the great seal, the speaker of the House of Commons, and judges of the courts of king's-bench and common pleas, and barons of the exchequer; secondly, of the foreign ministers; thirdly, of those who by con-

tract supply the King's household, or his master of the robes, or by contract execute any public work, and of the bills and demands of all tradesmen and artificers who are employed in the same, or either of them, though without contract; fourthly, of all menial servants in his Majesty's household, and persons in any office, whose salary doth not exceed per annum; fifthly, the pensions and allowances of the royal family, and his Majesty's privy purse, at the present establishment thereof, unless his Majesty shall order the same to be reduced; sixthly, of all persons serving in public offices of business, above per annum; seventhly, the pension list; eighthly, the officers of the court; ninthly and lastly, the salaries and pensions of the lords commissioners of the treasury and chancellor of the exchequer.

And it is hereby enacted, that it shall not be lawful for the lords commissioners of the treasury to direct the payment of any salary or pension whatsoever, to be made under sign manual or otherwise, until the salaries and pensions of all those who are entitled, according to the foregoing order, are first discharged, or cash set apart in the exchequer sufficient to answer the whole demand in the preceding classes; and that for every offence contrary to the true intent and meaning hereof, the first commissioner of the treasury shall forfeit, on conviction, the sum of to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, in which no essoign, protection, privilege, or wager of law, or more than one imparlance, shall be allowed, half to the informer, and half to St. George's hospital, in the county of Middlesex, and shall be rendered incapable of holding any office under the crown for the space of

And be it enacted by the authority aforesaid, that if any salary, fee, or pension, or any part thereof, shall remain in arrear at the usual time of payment at the end of the year, from want of cash belonging to the civil list revenue to pay and discharge the same, the said arrear of salary, fee, or pension, shall not be carried as a debt to the account of the year following, but shall be wholly lapsed and extinguished, as if the same had not been payable.

And be it enacted, that the commissioners of the treasury shall cause a regular book or books to be kept for the charges of each of the classes and articles

aforesaid, distinctly and apart; and it is hereby directed, that the result of payments in the said several books contained, shall, in an orderly manner, and according to the usual method in which fair accounts are kept, be entered in a separate book at the end of each year, and the whole being opposed to the receipt of the civil list cash, a balance shall be struck upon the whole; a duplicate of which book and books is hereby directed to be deposited in the exchequer.

And be it enacted, that if any balance of cash of the said civil list revenue shall remain, after making all payments as aforesaid, the said balance shall be laid up in the exchequer, or shall, at the discretion of the commissioners of the treasury, by his Majesty's order under his sign manual, be placed in some of the public funds, in the name of the first commissioner of the treasury, in trust, that the interest of the said sum or sums of money so laid out to interest, shall be paid into the exchequer, until the said principal money and interest, or either of them, shall, by an order from his Majesty, under his royal sign manual, and warrant of the lords commissioners of the treasury, be appointed and laid out for an establishment, or other provision, for any of his Majesty's royal family, in such times, and such manner and proportion, as to his royal wisdom and pleasure shall seem meet.

And whereas there have been hitherto great delays in passing the accounts of the paymaster general and treasurer of the navy, and other accountants, to the detriment of the public, and frequently to the vexation and disturbance of the accountable officers and their families; be it hereby enacted by the authority aforesaid, that from and after the day of it shall not be lawful to imprest or issue to the paymaster general of his Majesty's land forces, or treasurer of the navy, any sum or sums of money, for or on account of the payment of his Majesty's sea or land forces, or any other payment usually made, or hereafter to be made, by them, or any of them, except a sum of annually to the cashier of each office, in order to discharge small demands; for which sum the cashier or cashiers aforesaid shall stand charged at the exchequer, and shall make up an account of the same every year, and shall either repay the balance (if any) which shall appear to remain, or shall have a sum equal to the same deducted from the imprest of the year following.

And be it further enacted by the authority aforesaid, that the sums of money which, according to former usage, have been imprested or issued to the said paymaster general and treasurer of the navy, shall be in future imprested or issued in the like manner to the directors and company of the bank of England; and that the said paymaster general and treasurer of the navy may and shall draw upon the said bank for such sums of money as shall be necessary, according to the usage of the said office, to pay over to deputy paymasters, or other agents of regiments, or for such other purposes as money was formerly payable for at the said offices, and at the time and manner in which such advances or issues were formerly made, and not otherwise; and the directors and company of the bank of England are by this act authorized and required to pay to the amount of the cash in their hands for the purposes aforesaid; in which drafts, the paymaster or his deputy shall express the service for which the said draft was made.

And be it further enacted by the authority aforesaid, that the directors of the bank of England shall every year, that is, on the day of make up an account with the exchequer, stating in such account the sums of money imprested to them, and the payments made in consequence of drafts from the said pay offices, together with the balance (if any) in their hands; and it shall not be lawful for the treasurer, chancellor, or barons of the exchequer, so long as the said account shall be clearly and satisfactorily made up as aforesaid, to order any issues, or other exchequer process, against the governor and company of the said bank, but that the surplus money (if any) shall remain in the said bank, and shall be considered as money in the exchequer disposable by parliament.

And be it further enacted by the authority aforesaid, that the said paymaster general, and the treasurer of the navy, shall severally make up a yearly account of all the drafts made by them on the bank, setting forth to whom, and when, and for what purpose, the same were made, and what paymasters and agents have made up their accounts, and how far, and what balance remains unaccounted for by each.

And be it enacted by the authority aforesaid, that it shall and may be lawful, and it is hereby directed, that the auditor or auditors of the exchequer, to whom such audits do belong, shall account with

any paymaster, or treasurer of the navy, for such sum or sums of money as have been imprested to them, or any of them, from the exchequer, to the present time, in which accounts credit shall be given to them for all sums of money which they shall prove, *bona fide*, to have issued and paid to the deputy paymasters and others.

And it is hereby further enacted by the authority aforesaid, that the said paymaster, and treasurer of the navy, shall deliver in an account of such payments, and shall also make a state of what remains unaccounted for by the said deputy paymasters, agents, and others, as also of all demands outstanding upon them; and that when they have received credit for the same, they shall then be charged with such sum or sums of money only as remain unaccounted for after the credit given as aforesaid; and shall stand discharged and acquitted of all other demands whatsoever for or on account of the said imprests.

And be it enacted by the authority aforesaid, that the auditor or auditors of the exchequer shall not stay the settlement of the said accounts, or any of them, because accountants prior in time have not settled with the exchequer, or that any other accountants, who have begun their accounts, have not concluded the same; any law, statute, or usage, to the contrary notwithstanding.

And be it hereby enacted by the authority aforesaid, that no auditor of the exchequer, or any other officer of the exchequer, before whom accountants ought to account, shall stay the account of any person or persons, or the process against, or the acquittance of them or any of them, for or on account of defect of vouchers, if on reference to his Majesty's attorney and solicitor general, and one master in chancery (which reference they are hereby authorised to make according to the case) it shall appear to be their joint opinion, that the article in the account objected to for want of sufficient voucher, is vouched and attested in such a manner as would be allowed in accounts ordered by the court of chancery, or in civil cases, between party and party, at common law; any usage in the said office, or court of exchequer, to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, that an acquittance from the exchequer, in such form as shall be then settled, shall be given to all accountants, for what they have accounted for

or paid, although the whole account is not concluded; and that all issues *nomine pœnæ*, levied and brought in the exchequer, shall be repaid to all and every accountant and accountants, when their said accounts shall be concluded, or credit given for the amount of the same in their account.

And be it further enacted by the authority aforesaid, that in future, and after the accounts shall be so stated and settled, as aforesaid, the said paymaster general, and paymaster of the navy, shall not be considered as debtors in the exchequer, but shall be solely responsible, for fraud, malversation, irregularity, or neglect in their said offices, as other men in office are by law responsible for personal delinquency, and not otherwise, it not being reasonable that those should be charged in a money account who have never had the charge or custody of money committed to them: provided, that nothing in this act contained shall be construed to exempt the cashier, deputy paymasters, army agents, or others, who shall have hereafter money actually paid to them by the bank as aforesaid, or any former accountants, from such process as the treasurer and barons of the exchequer shall direct, for compelling an account of such balances as the paymaster or treasurer of the navy shall report to be due, and unaccounted for, in their hands; for which balances the said barons are directed to issue speedy process, except as is herein excepted, and in such case where the commissioners of the treasury, on examination of the circumstances, shall direct a stay of the said process.

And, in order that no reformation by this act intended to be made should operate as a retrospective penalty for any failures arising from the former insufficiency or ill order in the law, or in office; and whereas it is good and expedient for the commonwealth, that there should be some end of suits, as well between the public and private persons, as between private persons among one another; therefore, for the final settlement of all such claims as may be vexatious, and sometimes ruinous, to the subject, without any adequate benefit to the state, be it enacted by the authority aforesaid, that a commission be forthwith issued by his Majesty, authorizing the commissioners of the treasury, the chief baron of the exchequer, together with to have power, in a summary manner, to call before them the

several accountants against whom balances are returned, or may be returned (excepting always those who are accountable by reason of any contract for the supply of stores, provisions, ships, or goods of any kind, for his Majesty's service, since the year inclusive) fully to examine and audit their accounts severally; and they, or any of them, shall have power and authority, on examination of the case, to order payment of the balances which shall appear due, in such order or manner, and at such periods, and in such proportions, as to them shall seem reasonable and expedient; and the said commissioners, or any of them, are hereby authorized and required to return the said balances, and the said time of payment, into the exchequer; the proper officers of which are hereby directed to order process against the said accountants, according to the order of the said commissioners, and the times of payment appointed; which process it shall not be lawful for the barons of the exchequer, by themselves, or by order of the commissioners of the treasury, to respite.

And be it enacted by the authority aforesaid, that the said commissioners shall have, and are hereby declared to have, full power and authority, on mature examination of the case, and the circumstances of all parties accountants (except as herein before excepted) according to the principles of equity, conscience, and sound discretion, to compound, or totally to discharge and acquit the said debtors and accountants, or any of them; which said composition or acquittance, being certified into the exchequer, shall admit the party or parties accountant there to stand charged with the said sum so compounded, or to be acquitted in the said exchequer on the said acquittance.

And be it enacted by the authority aforesaid, that the said commissioners, and every of them, before they enter on their commission as aforesaid, shall take an oath in the words following, in the presence of the barons of the exchequer, or one of them; viz.

" I. A. B. do swear, that I will act in
 " the execution of the commission
 " appointed by his Majesty for regu-
 " lating the payments and times of
 " payments, the compositions and ac-
 " quittances of public accountants,
 " according to an Act, intituled

“ to the utmost of my skill and dis-
 “ cretion, and according to equity
 “ and good conscience, between the
 “ public and such accountants as shall
 “ be brought before me ; and that I
 “ will examine with diligence and
 “ faithfulness, and determine without
 “ favour, malice, or prejudice, ac-
 “ cording to the true intent and
 “ meaning of the said Act, as far as
 “ in me lies.

“ So help me God.”

And whereas several of the chief offices in the exchequer are, by law and usage, granted to be held during term of life, and have been reputed, in truth and fact, as pensions for life, and have been given as such, for the more honourable and independent provision of the persons or families of those who have served the state in great and laborious employments : and whereas it is for the honour as well as the advantage of the commonwealth, that whatever reward the said persons have acquired by their own merits, or those of their ancestors, and which the law of the land hath ensured to them, should not be taken away : and whereas it is equally expedient, that the crown should not in future be debarred from the means of making honourable and independent provision, according to reason, and the circumstances of the public, for those who shall serve the state : be it enacted by the authority aforesaid, that from and after the determination of the interest of the present possessors, and of the present grantees in reversion, the auditor of the receipt of the exchequer shall have, in lieu of all salary, fees, and dues, to the said office belonging, a salary or pension, clear of all deductions, of per annum, and no more ; and that the persons hereafter appointed to the offices of the two auditors of the imprest, the chamberlain, clerk of the pells, and clerk of the pipe, and tellers of the exchequer, shall have and receive, after the lives of the present possessors, and grantees in reversion, to each a salary of per annum, clear, and no more, in lieu of all salaries, fees, and perquisites whatsoever, now claimed or enjoyed by the persons holding the said offices.

And whereas the constitution of the Mint is of a more expensive nature than is necessary, and the coinage ought to be of none, or little expence to the nation ; be it hereby enacted by the authority aforesaid, that the office commonly called

the Mint, with all places, salaries, and fees annexed to, or in anywise appertaining to the same, shall, from and after the day of be abolished.

Provided also, and it is hereby enacted by the authority aforesaid, that in compensation for the value of all or any of the offices in the Mint which by this Act are suppressed, and which by law are held for term of life (if any such there be) there shall be paid out of the aggregate fund an annuity equal to the salary and known legal fees and perquisites of the said office, as the same shall be proved before the commissioners of the treasury to have been received by the persons now holding the said offices, and to have been the annual value of the said offices on an average of years last past ; and the same shall be certified by the commissioners of the treasury into the exchequer, and shall be paid half yearly to the person or persons so deprived, for and during the term of his or their natural lives.

And be it hereby enacted, that the commissioners of the treasury may and shall contract with the directors and company of the bank of England for the coinage, for any term not exceeding years, under such directions and limitations as they shall judge most expedient for performing the same in the best, safest, cheapest, and most beneficial manner.

Provided always, that the said coinage be executed by the company aforesaid, in the Tower of London, and no where else.

Provided also, that if the said corporation of the bank shall refuse to enter into such contract, or demand exorbitant terms, the commissioners of the treasury may, and are by this Act authorised to contract with any other body corporate, or private person or persons, for the execution of the same, the said bodies corporate, or private persons, giving full security for the faithful performance of the said contract, under the restrictions by this Act provided, in case of a contract with the bank of England.

And forasmuch as the bank of England will derive a benefit from the sums of money which are by this Act directed to be paid into the cash of the said bank, it is reasonable that they should, in some proportion, contribute to the public service ; be it therefore enacted by the authority aforesaid, that the directors of the said bank shall take upon them the remittance of all such sums of money as shall be remitted for the use of his Majesty's forces

by sea or land, serving in foreign parts, without any allowance or reward for the same; and that they shall conform to the directions which they shall receive from the paymaster general, and treasurer of the navy, severally, for the sum or sums of money which shall be remitted and sent for the use of the forces serving abroad.

And whereas much of the emolument accruing to the several pay offices, agencies in the army and navy, are derived from the pay of officers serving in the army and navy; for the better encouragement of the said services, be it enacted by the authority aforesaid, that upon any future appointment of any person to the office of a deputy paymaster, or army agent, no person but such as have served his Majesty, in his army or navy for years, shall be capable of being appointed to or holding the said offices, or any of them; and the appointment of any other person to the said office or offices shall be void, and the said person so appointed shall forfeit the sum of to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, in which no essoign, protection, privilege, or wager of law, or more than one imparlance, shall be allowed.

And whereas the command and direction of the ordnance is properly a military concern, and the establishment of the present board of ordnance is attended with great expence to the public; be it enacted by the authority aforesaid, that from and after the day of the civil branch, or what is commonly reputed and taken for the said civil branch of the said ordnance (that is to say) the master general, lieutenant general, surveyor general, clerk of the ordnance, clerk of the deliveries, treasurer, paymaster, secretary, architect, council, and all other officers on the same dependent, except the necessary inferior store-keepers, and clerks of the cheque, in the land ordnance service, shall be, and are hereby suppressed.

And it is hereby enacted by the authority aforesaid, that for all purposes of the land service, the principal engineer (which said principal engineer shall hereafter be a general officer in his Majesty's service) shall be and is by this act authorized to exercise all the duty or duties which the said civil branch, or any part thereof, ought to execute; and to enable the said principal engineer the better to perform the said duty, his Majesty is hereby authorized to appoint one assistant engineer,

with a salary of and no more, provided that the said assistant be an officer of years service in the artillery, and no other shall be capable of holding the said office.

And it is hereby enacted, that the said assistant engineer, nor any other engineer, nor any other person or persons above the present establishment of officers of the artillery, shall be capable of being elected, or sitting and voting in parliament.

And it is hereby further enacted by the authority aforesaid, that the ordnance for the navy shall be, from and after the day of under the care and direction of the commissioners of the navy, who, for the better administration of the same, shall have one commissioner, and no more, added to the number, with a salary not exceeding the salary of the other commissioners, and with the like powers; which said commissioner shall be a person skilful in the business of an artillery officer and engineer, and, where a person so skilled may be had, preference shall be given to officers who have served years in his Majesty's navy.

And in order to prevent the unnecessary multiplication of offices, be it enacted by the authority aforesaid, that the office of keeper of the naval ordnance stores, be united to and consolidated with the office of keeper of naval stores, in each of his Majesty's dock-yards respectively, and shall be exercised by one and the same person.

And be it further enacted by the authority aforesaid, that on a vacancy of any storekeeper or clerk of the cheque, in any of his Majesty's yards, no person shall be capable of being appointed thereto, who has not served his Majesty in his navy, as a lieutenant or master, for years; and if any other than a person or persons qualified as aforesaid shall be appointed to the said offices, or any of them, he shall forfeit his said employment, and the sum of to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, in which no essoign, protection, privilege, or wager of law, or more than one imparlance, shall be allowed.

And it is hereby enacted by the authority aforesaid, that the said chief engineer, and his assistant, as well as the said commissioners of the navy, may and shall contract, wherever the same is practicable from the nature of the service, for the execution of all works, buildings, and

stores to the ordnance belonging; and that all contractors with the said officers shall be under the constant inspection and controul of the said chief engineer, or the said commissioners of the navy, as the case shall be, for and in the execution of their contracts, and every part thereof: provided that no contract, exceeding in value, be made without the previous approbation of the commander in chief of his Majesty's forces, or other general officer appointed by his Majesty, and the lords commissioners of the treasury, if the same be for the land service; and the commissioners of the navy, and lords of the admiralty, and the said commissioners of the treasury, if the same be for the sea service.

And it is hereby enacted by the authority aforesaid, that the money payable on account of the said contracts shall be paid at the exchequer; and that all other payments to the said ordnance belonging, be made at the pay office, or the navy-office, as the service shall be military or naval, according to the course and manner that shall be hereafter used by virtue of this Act in the said offices.

And it is hereby enacted, that the estimate and accounts of the ordnance, be annually laid before parliament, as hitherto accustomed, except that the ordnance and stores for land and sea service be distinguished.

Provided, that nothing in this act contained shall be construed to exempt the chief engineer from the orders of the commander in chief or secretary at war, for the time being, or the navy board, from the orders of the admiralty, in all matters which regard ordnance stores, or any kind of military stores; but they shall be in all things bound to obey and conform to the orders and directions which they shall from time to time receive from the said superior officers.

And be it hereby enacted, in order to the more perfect regulation of the said ordnance, that in days after the passing of this Act, a commission be appointed by his Majesty, which shall consist of the first commissioner of the treasury, the first commissioner of the admiralty, one commissioner of the navy, the secretary at war, the pay-master of his Majesty's forces, the treasurer of the navy, the commander in chief of his Majesty's forces, the chief engineer, and the following general officers and admirals; viz.

Which said commissioners, or any of them, may, and are hereby directed to regulate all things relative to the said ordnance, so as to bring the same to a more perfect conformity and accommodation to military purposes; and as much as may be, in all branches thereof, to employ military persons; and to reduce the expences of the same, by uniting of duties, where the same may be united, and separating the same, where the same may and ought to be separated, and reducing the number of unnecessary offices, clerks, and other persons, according to their discretion, and the true intent and meaning of this Act.

And it is hereby enacted by the authority aforesaid, that all the salaries, lawful fees, perquisites, and profits whatsoever, belonging to all and every the offices by this Act suppressed, shall cease and determine with the determination of the said offices severally, and be no longer paid; and that the commissioners of the treasury shall, within make, or cause to be made up, an account of the salaries and fees now payable for or on account of the said offices severally, as also an account of all the charges whatsoever, ordinary or extraordinary, incurred for or by reason of the said offices, during years last past; and shall cause a sum, to the amount of a medium of the said salaries, fees, and charges, to be annually set apart, and a separate account to be kept of the same, and to carry the said sum or sums of money, together with the amount of each and every pension as it shall fall or determine, until the said pension list be reduced to (except as in this Act is otherwise provided) to the sinking fund, there to remain for the disposition of parliament.

And be it further enacted by the authority aforesaid, that it shall not be lawful to create any office, in the nature or for the purpose of those which are by this Act abolished, or to divide any office into several parts, to be held by divers persons, other than such as have been usually held in commission, or to create any new office whatever, or any additional commissioner, with a salary exceeding pounds by the year.

And, in order to prevent the reformation by this Act proposed from affecting private persons, whose whole livelihood, or the greater part thereof, consists in the profits of places by this Act suppressed; be it enacted by the authority aforesaid, that it shall be lawful for the following

persons; viz. or any or more of them, to be commissioners for receiving and hearing the representations of any persons affected by this Act in the manner above mentioned; and on what shall appear to them sufficient proof of the said person or persons having no other livelihood, or no other employment of profit, or pension, or upon proof of other circumstances of compassion, they shall have power to adjudge, according to equity and the reason of the case, and to allow half pay, or more, at their discretion, to such person or persons, until the officer by this Act displaced shall be otherwise provided for in his Majesty's service; and a certificate, signed by not less than of the said commissioners, shall be, and is hereby declared of sufficient authority for the commissioners of the treasury to make the said allowances for such persons: provided, that the said allowance do in no case exceed per annum; and that no peer, or member of parliament, shall be entitled to the said relief.

And it is hereby enacted by the authority aforesaid, that all the clerks in office, by this Act displaced, and who shall be duly qualified to be employed as clerks in other public offices, or as officers in the customs, shall be entitled to the succession of any vacant clerkship in other offices, or to offices in the customs, not exceeding per annum in value (where any rule or practice of succession within the said offices doth not interfere) upon application made by memorial to the said offices, the allowance aforesaid being to cease on such appointment.

And it is hereby enacted by the authority aforesaid, that in case, after months time given for due enquiry, and proof of their qualifications, the memorialist or memorialists aforesaid are not put into possession of the said vacant offices, the person to whom it belongs to fill the said vacancy shall forfeit the sum of for each such offence, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, in which no essoign, protection, privilege, or wager of law, or more than one imparlance, shall be allowed.

The Bill being read a first time, Mr. Burke mentioned the 29th as a proper day for reading it a second time, and begged the noble lord to inform the House, whether or not he intended to oppose it on that day.

Lord North did not yet know whether he should oppose it or not. It was a Bill of the utmost importance, and required time and leisure to determine on its propriety. The 29th, therefore, he thought was too early a day.

Mr. Burke observed, that in a moment when the minds of men were held in suspense, and when the nation was looking with anxiety and suspicion to the conduct of parliament, on the subject of their petitions, delay would be exceedingly dangerous, and ought to be studiously avoided. He did not wish to quarrel with the noble lord for a day. The Bill would be printed, and in the hands of the members before that time; and if it was agreeable to the House, he would move for Wednesday next.

Lord North still persisted the time was rather too short, and wished that it should be adjourned over the next week.

Mr. Fox said he could not conceive why the noble lord should wish to have so much time. The temper of the people was not such as would admit of subterfuge. There was something exceedingly suspicious in the noble lord's conduct. His plea of ignorance was absurd; he had not indeed studied all the parts of the Bill; it was not possible that he could have so done; but the general principle was well known to him, and the subsequent detail was the business of the committee. Did not the noble lord know whether or not he was to oppose the principle of the Bill, or when he was to oppose it? He thought it would be very becoming in the noble lord to declare his intentions; for he firmly believed that no member who could possibly attend would be absent on the day when the Bill was to be debated. The member who wilfully or negligently absented himself on that day would pay very little regard to his duty, and to the general voice of the people of England. If his lordship would speak out, and say whether or not, or when, he intended to debate the Bill, members would come prepared, and the point would be fought with fairness. But as it was, the House must be upon its guard, and that they might not be taken by surprise, must come prepared for the onset on the first day. The noble lord had also given very strong reasons for alarm in his wish to put off the business to a late day. What security could the people of England have of the system being adopted, if the House permitted all the supplies to be granted before the Bill had passed? The parlia-

ment might not be dissolved, but it was very possible that it might be prorogued before the business was concluded; and he looked upon this to be the reason why the minister wished to postpone it.

Mr. *Burke* said that the principle of the Bill was simple, and required but little time for deliberation. It consisted but of two parts, the first was, to curtail a variety of useless and burthensome offices in the King's civil list, and other departments of government, in order to apply the savings to the constitutional services of the state; and the second, to provide against the revenues voted for the maintenance of the King, the provision of his family, and the ease, dignity, and independence of his life, being diverted to the uses of a minister, and applied to the corrupting of parliament. These were the simple principles, easy to be understood, but whether the regulations proposed for the attainment of these ends were the properest for that purpose, were considerations for the committee. He had other matters which he might propose to their consideration. Perhaps a better method might be suggested of furnishing the King's table, &c. by contract; but all these could not prevent the noble lord from deciding in his own mind whether or not the principle of the Bill ought to be opposed.

Lord *North* said it was true the principle was plain in appearance, but the truth and propriety of the principle could only be ascertained by an examination of the parts, and this required time and study.

The Bill was ordered to be read a second time on the 2nd of March.

Debate in the Commons on the Vote of Thanks to Admiral Sir George Rodney. Feb. 29. Lord *North* rose to move a Vote of Thanks to admiral sir George Bridges Rodney, bart. for his late signal services. The capture of the fleet of transports was not only of considerable importance to Great Britain from the value of it, but was rendered additionally so, because he was warranted to say, that the want of the stores on board those transports, was a matter exceedingly distressing to Spain. The late success of sir George Rodney against the Spanish admiral Langara, was still more signal and serviceable to his country, and although it was true that his fleet was superior to that of the enemy, there were circumstances attending the engagement, such as the exceeding tempestuous weather, a high sea, and a very

dangerous shore near at hand, that made the risk and difficulty even greater than the admiral probably would have had to encounter, if he had met and fought with a squadron superior to his own, and consequently reflected the greater honour on sir George, as an officer whose conduct was equal to his bravery, and whose judgment and ability kept pace with his resolution and gallantry. In that action sir George had dispossessed the enemy of eight sail of the line, besides greatly disabling the rest of their squadron, and he had added five ships of the line to his Majesty's fleet at Gibraltar. He had also so effectually relieved that important fortress, that he might now venture to assert, it was put into such a state as would secure it from future danger. His lordship then moved, "That the Thanks of this House be given to admiral sir George Bridges Rodney, bart., for the late signal and important services he has rendered to his King and country."

Mr. *T. Townshend* seconded the motion. He had long had the honour to be intimate with sir George, and was well acquainted with his singular bravery and conduct as an officer, having been the person, on the capture of Martinico, who had made a similar motion in that House. He was glad, however, that the motion now was in better hands, and that it was made at that particular crisis, when every man must be ready to confess his admiration and gratitude for the gallant services which the admiral had rendered his country.

Lord *Howe* said, that upon the present occasion professional men could have but one opinion, and that was, that the admiral merited every mark of distinction and honour which that House could bestow. He would not go into a discussion of the particulars of the admiral's last action with Langara's squadron, but thus much he would say, that from the circumstances of it, sir George must have felt great uneasiness in his own mind in undertaking it, and could not have completed it in the brilliant manner in which he had the good fortune to finish it, without an uncommon degree of resolution and judgment. He therefore amply merited the gratitude of that House, and he was exceedingly happy to find the minister stand up immediately on the confirmation of the news, in the absence of the admiral, and do him justice in the face of a British House of Commons. Such conduct became ministers, and was due to those who were risking their lives

and characters at a distance from home in the service of their country. It was by that sort of protection and justice that officers were encouraged to exertion, and that their country might expect to reap the advantages of their future services.

Mr. *James Luttrell* said, as the House were now proceeding to vote their thanks unanimously to a gallant officer for most signal and important services, he hoped they would not stop there, but would keep that officer's present merit in their eye. That they would not suffer his character to be hereafter trifled away. That they would go with him to Gibraltar; go with him to the West Indies; and that they would watch him every where, and keep his honour and his reputation alive effectually and substantially, by taking care that he should not be sent to be a sacrifice, but should have a force equal to the objects he was sent upon; that they would strengthen him with ships whenever he should have occasion for more. He was now, it was generally understood, going to the West Indies. Let the House send him ships equal to those of the enemy in that quarter of the globe. He, for one, would vote him ships, his thanks were not worth the gallant admiral's acceptance.

The motion was carried *nem. con.* While the above conversation passed,

Admiral *Keppel* was not in the House, but coming in soon afterwards, he took an early opportunity of rising, and after asking pardon of the House for getting up in a disorderly manner said, it was to express his sorrow at not having been present when the thanks of the House had been moved. He did assure the House, that one only instance excepted, he never felt more sincere satisfaction at the thanks of the House having been voted. Sir George had rendered his country most important services, services which he would venture to say, were not more signal in themselves than well performed. He thought it incumbent upon him to give his testimony in that House to the merit of an admiral, who deserved every honour in the power of his country to bestow.

Mr. *Charles Marsham* said, as the House had done sir George the honour to vote him their thanks, he thought it incumbent on them to do something more; and he the rather thought so, as he believed it was pretty generally understood that the gallant admiral's finances were not in the best condition, and that although he had served his country for many years, and

rendered it many important services, it had so happened that honour had been his only harvest, and he had not been able to acquire that handsome provision which an officer of his high character and important service was entitled to, and generally supposed to obtain. He therefore thought it became the House then, while sir George's merit was warmly acknowledged by every gentleman, to proceed a step further, and to save the gallant admiral from the hazard of his being neglected, or his services forgot in consequence of some future misfortune; he therefore threw it out to the House, whether it would not be proper to address his Majesty, that he would be graciously pleased to bestow some high post of honour on sir George for his late signal services. He was the farthest in the world from wishing to encroach on his Majesty's prerogative, but he could not refrain from mentioning that there was a post now vacant, which was generally bestowed on gentlemen in the navy, who had distinguished themselves, and risen to high character, and that was, the post of Lieutenant General of Marines.

Lord *North* said, that no man had a stronger sense of the great merit and high character of sir George than he had, nor was there any who would be more willing than he that sir George should be most amply rewarded; but he could not but submit it to the House, that the motion hinted at by the hon. gentleman was altogether unprecedented, and that if it were once agreed, to follow a vote of thanks with an immediate address to his Majesty for a reward, that so coupling the two matters, would in future subject the House to great difficulty, and establish a precedent which they would hereafter have cause to repent.

Mr. *T. Townshend*, upon this, charged ministers with having neglected to reward their officers, and asserted, that sir George in particular had been neglected and ill-treated by them. In proof of this assertion he declared, that after the taking of Martinico sir George was neglected. Greenwich-hospital, indeed, was given him, but it was taken away from him by the present first lord of the Admiralty, on sir George's being sent to the West Indies with a command. General Monckton also, who shared with him in the glory of taking Martinico, was neglected, and was a considerable time before he obtained that, which admiral Rodney had again

and again applied for. It was of late years so much the practice of ministers to give up their officers, to whisper away their characters, and to suffer them to be run down upon the least change of fortune, the least bad success, covering their own blunders under the ruin of officers' characters, that he was happy the hon. gentleman had made so proper a motion.

Mr. *Marsham* declared he would persist in his motion, if he did not hear a more satisfactory answer from the noble lord, or unless some promise were given, that the admiral should be taken care of.

Lord *North* said, that it would be exceedingly irksome for him to oppose the form of a motion, the substance of which he was as much inclined to carry into effect, as any man; but, if the motion were persisted in, he should be under the necessity of opposing it, merely for the sake of parliamentary precedent. He had already declared, that coupling a vote of thanks with an address for a reward, would subject the House to very great difficulty in future, and would establish a precedent, which they would hereafter have occasion to repent; it was on that ground, and that ground alone, that it became his duty to oppose the motion. Another hon. gentleman had charged ministers with having neglected sir George. He begged leave to say, the fact was not so: admiral Rodney, during a peace, had been given Greenwich-hospital. It was true, indeed, it was afterwards taken from him, but that was, when at his own desire he had been given a command in the West Indies; and though it might be urged, that there had been a precedent of an officer's having a command and holding Greenwich-hospital, yet it was very far from usual that an officer should have the hospital and a command on a foreign station at the same time. Besides, when admiral Rodney went out last, he was rear admiral of England. The hon. gentleman who had proposed the motion had said, sir George's finances were low; they were not very high he believed when he took his present command, but he hoped that difficulty had been lessened by his successes. At present sir George had received the thanks of that House, and whatever the hon. gentleman might think, the thanks of that House were in themselves a very high reward. But exclusive of that, he really saw no reason why gentlemen should assume that sir George would be neglected. He was not himself

very likely to neglect him, because, exclusive of his perfect sense of his exalted merit as an officer, that his late signal services could not be too highly rewarded, and that they well deserved not only the thanks of that House, but of the country at large, he was intimately acquainted with, and had the strongest personal esteem and regard for him. At the very moment in which, for the reasons he had stated, he declared he must oppose the motion, he begged leave to assure the House, that he was far from thinking the place of Lieutenant General of Marines by any means more than equal to the admiral's high deserts.

Mr. *Marsham* said he rose with great pleasure to withdraw his motion, because in the noble lord's speech there were many kind expressions, which convinced him that sir George would not be neglected.

Lord *George Gordon* reprobated the proposal of giving away a sinecure place. He declared he was ashamed of having acted so long with men, who could be guilty of such glaring inconsistency; that he was as tired of their conduct, as that of the Treasury-bench, and that there was not a place in that House, in which he could feel himself happy, except only in the Speaker's chair. He was for abolishing all sinecures, and not for giving them away. Admiral Rodney was poor; let the King give him money. The people gave the King an enormous civil list. Let his Majesty make sir George a handsome present—many thousands of pounds, twenty thousand pounds at least—that would be a kingly gift. Poor as he was, he would part his last shilling with sir George to save him from being sent to gaol.

The motion was then withdrawn.

Debate in the Lords on the Vote of Thanks to Admiral Sir George Rodney.]
March 1. The Earl of *Sandwich* moved, "That the thanks of that House be given to admiral sir George Bridges Rodney, for the very important advantages he had gained over the fleet of Spain on the 9th, and 16th of January last." After shortly pointing out the singular merit of that gallant commander, he observed, that a circumstance attended it, which had distinguished it from any other almost in the annals of this country; that was, the capture of five ships of the line belonging to the enemy, besides those destroyed.

The Marquis of *Rockingham* rose to second the motion: he passed several warm compliments on the skill and bravery of sir George, and said the nation was highly indebted to the admiral; little was due to the Admiralty-board, for it clearly appeared, that so far as ministers were concerned, our good fortune was purely accidental. The relief of Gibraltar and Minorca were, he allowed, necessary services; that was the sole object of the armaments. In the performance of that service, fortunately for this country, sir George met the enemy, and like a spirited and meritorious officer availed himself of the opportunity; and by his skill and gallantry, had rendered the public the most eminent service. He had heard, that in another place, where the same subject was yesterday under consideration, it was proposed, to follow the vote of thanks with some mark of more substantial favour, and he thought very properly so, for no man deserved it better; and he confessed, that he did expect before the noble earl who made the motion sat down, that he would have given some intimation of such an intention. He understood, that the main object for which sir George was dispatched to Gibraltar, being by this time attained, his instructions were to proceed to the West Indies; if, therefore, in the performance of the other part of his instructions any accident should happen, he thought no time should be lost in conferring on him an immediate reward. He had an additional reason for urging this matter now; because this gallant officer had once before been thanked by that House, yet was afterwards shamefully neglected; so much so, that there was an anecdote current about town that had not been as yet contradicted, that we should have been deprived of this gallant officer's services, but for the almost unexampled generosity of a French nobleman (the duke de Byron) who not only relieved him from his immediate distresses, but enabled him once more to return to his native country. He did not wish to point out the particular mode of rewarding sir George, but he understood there was a post of considerable consequence now vacant (Lieutenant General of the Marines) the institution of which was purposely to reward men of merit in this line of service; and as he knew no man more deserving of that post, and as promoting him to it would create no additional expence to the public, he did not see where that appoint-

ment could be more deservedly bestowed.

The Duke of *Grafton* pressed the general argument of reward very strenuously, and the particular mode of rewarding sir George, in the way hinted by the noble marquis, in terms equally warm. He said he was much surprised not to hear from the noble earl at the head of the Admiralty something specific on the subject, not in the shape of a motion, as that would be informal, but in a general intimation that his Majesty would follow up the present vote with a reward suitable to the eminent services the admiral had rendered his country. The admiral, he understood, was destined, as soon as he fulfilled the object of the primary part of his instructions, for the West Indies: if any accident in his way thither, or after he should arrive there, should befall him, in all probability his present merit would be forgotten. Experience had already proved how admirals and commanders were treated, when they proved unsuccessful. He would not say that any officer since the commencement of the present war, had been so successful; but this he might assert, that several great and able officers had been employed, and having from the defeat of the plans under which they acted, or from other circumstances originating from causes for which they were by no means responsible, not answered the expectations of the public; it was well known what arts, both within and without doors, were used to whisper away, insinuate, or directly depreciate, the characters of those very deserving, though unsuccessful men. If, in the course of the admiral's further operations any thing should happen which might impede his success, he made no doubt but the same arts would be employed against him; and that every effort would be made by administration, as in the instances alluded to, to throw the blame upon him, and blast his well-earned laurels. For these reasons he urged the noble lord, to give their lordships some pledge, that sir George's eminent services would meet with an immediate and suitable reward.

The Earl of *Effingham* said it was no secret that sir George was ordered out with an intention, after effecting the relief of Gibraltar and Minorca, to proceed to the West Indies; it was equally well known, that no more than three, or at most four ships of the line, were to proceed with him to the place of his destination. Under these circumstances, what

might be the fate of sir George? but that overpowered by a superior force, administration, to cover their own bad management, would endeavour to throw the blame upon sir George, and cancel the obligations his country owed him, by imputing his former successes to accident, or a superior force. He therefore anxiously wished that some immediate reward were bestowed on the admiral.

The Duke of *Bolton* extolled the professional skill of sir George in very strong terms. He fully acquiesced in the sentiments of his noble friends, that some substantial reward ought to be bestowed on him, and that none was more proper than the one mentioned.

The Earl of *Sandwich* said, it was the peculiar province of the crown to distinguish and reward those who had served it ably and faithfully; that it would be presumption in him to undertake or say what his Majesty might or might not, or ought to do; that it would be a direct invasion of his prerogative to prescribe to him on such an occasion; that graces and favours, such as those described, were the proper gift of the sovereign; that he never wished their lordships to entrench on this exclusive right; and that as to any promise, it would be indecent to make it in or out of that House: but it was, he believed, well known to be one of the leading characteristics of his Majesty's reign, to reward such of his subjects as seemed worthy of his favour and protection.

The question was then agreed to *nem. con.*

Lord North opens his Plan for a Commission of Accounts.] March 2. Lord *North* said, he had a proposition to open to the House of an important nature, but as he did not wish to take up the time of the House upon it then, if when he had opened it, any gentleman had an objection to it, he would not put it as a motion, but wished to have it understood merely as a notice that he should make such a motion at an early day. There had been, his lordship remarked, a great deal said in various conversations and debates that had taken place of late, respecting the great increase of the public accounts, and against the voting for such parts of the public service for which estimates could not be previously produced. He had then to say with regard to the latter, what he had often said before, that in many instances, while we were engaged in an expensive

war, it was impossible to lay previous estimates before the House, because every part of the public expenditure could not possibly be foreseen, and depended upon events as they rose; with regard to the enormity of the expence, that was likewise in some degree unavoidable, from the very nature of the case. He wished, however, as heartily as any one, to give the public the fullest satisfaction that the money was duly applied to their service, and he heartily wished that also some method could be devised for stating and settling the public accounts in such a manner, that the numerous balances upon each head of expence, might be brought forward more speedily, and in consequence be the sooner applied to the public service. Various methods had been hinted at for effecting this purpose; the method he should propose would be by a Commission of Accounts; and the reason why he thought a commission better than a committee of accounts, was, the former would have many advantages over the latter, as it might be strengthened with powers, with which it was not competent to the House to invest a committee of accounts, such as the power of calling for papers of all sorts, examining witnesses upon oath, &c. &c. Commissions of Accounts which had in former times been instituted, it had been truly remarked, had proved of little use. This was easily to be accounted for, and as easily remedied. The fault lay partly in the cause of instituting those commissions, partly in the form and extent of their institution. His intention was to move for leave to bring in a bill for appointing a commission of accounts. Former commissions had merely been authorized with a retrospective view; he meant to carry the present idea much further. He designed that the Bill should expressly authorize the commissioners not only to enquire into the accounts of the past expenditure, but into the current accounts, and farther to direct them to consult, prepare, and report to the House what should upon due examination and consultation appear to them to be a more easy and speedy mode of keeping the public accounts, and settling them so that their true state might from time to time, as near as possible, be laid before the House when called for, and the various balances in hand be immediately brought forward, and applied to the service of the ensuing year. When he was lately called on for assistance by an hon. member who had urged the necessity of

enquiring into the public accounts, he had declared his readiness to assist as far as he could, but it had afterwards been stated, that his sincerity was to be doubted; that what he had said was plausible enough, but was it not a mere parliamentary trick; was it not an attempt to throw dust in the eyes of the public? An attempt to gain a momentary popularity by affecting a readiness to do that, which he had no real intention to come into? Such remarks, he owned, were not a species of comment very welcome to him, nor very candid in themselves. He was determined, therefore, to seize the earliest opportunity of giving the House indisputable proof of his real sentiments, and he now came prepared either to move for leave to bring in a Bill to carry the proposition he had opened into effect, or, he was content, if the House rather chose it, that what he had said upon the subject might be considered merely as notice that he would, on a future day, move for leave to bring in a Bill. An hon. gentleman had thrown out, that it would appear from the sort of committee to be appointed, whether he was sincere, or whether the whole enquiry was to be a farce and a mockery. In order to put that matter out of doubt, and to obviate the various objections that would in all probability be made, from persons being appointed of the committee, either from one side of the House or the other, he should make it a provision in the Bill he meant to bring in, that the commissioners be respectable, intelligent, and independent gentlemen, who were members of neither House of Parliament. This, he hoped, would wipe all suspicion away, and give satisfaction to all parties. His lordship said a few words to the general effect the commission would have, the superior ease with which it might be conducted, from its being of the constitution he had stated, and the facility with which it might proceed from being able to sit at all times, without being engaged and harassed by the intervention of parliamentary duty; after which his lordship read what he intended to be his motion whenever he made it.

Sir George Yonge said, that unless the noble lord declared whether he meant to move now or at another time, the House would be at a loss how to proceed.

Lord North said, as he saw it was likely to provoke debate, he should not move then, but wished what he had said might be considered merely as a notice.

Col. Barré said that in the history of

parliament he believed there was no instance of a similar transaction. He had a few days since told the House, that he had a plan to propose for an investigation of the public accounts. He had called upon the noble lord to know whether he would assist him or not, because he was conscious that it was impossible without the power of a minister to penetrate the arcana and come to the bottom of many matters, which loudly demanded enquiry. The noble lord now, without consulting or advising with him, came with a proposal of his own; he had stood between an obscure individual, and the little ray of sunshine, which he had attempted to draw upon him, for honest purposes only. His scheme was founded on a wish to serve the public, to check the lavishness of those who managed the public expenditure; the strong arm of the minister had wrested it out of his hand and had put an end to his labours, to the produce of many watchful hours, and many sleepless nights. Not, (added the colonel) that I speak the language of complaint; if the noble lord carries his purpose into effect, and attains that end, which I was humbly endeavouring to reach, for the benefit of my country, *tamen ego gaudebo*—in God's name let him have all the merit of it! Having said this, he informed the House, how far his labours had proceeded, and assured them, that though the object was the same, his plan was of a different and less expensive nature than that proposed by the noble lord. He then went on to show that a commission of accounts was by no means wanted, that the greater part of the accounts, they would find it necessary to advert to, were already on the table, and that the chief business that remained to be done, in order to come at the knowledge in question, would be to call for such other papers as might be wanted. With this view he had framed two motions, which he had brought down with him, having intended to open his plan that very day, but hearing on his arrival at the House that the noble lord had a plan of his own to propose, it was now no longer necessary, though he should certainly make his motions, as well because the papers they called for were necessary, as in order to convince the House that he was serious in what he said respecting his intended plan of enquiry. The noble lord, he declared, had, as soon as he came down, called him aside, and shewed him his motion, asking him if he had any objection to it. He had read it,

and directly said "none," but it was not by any means consonant to his idea of the necessary enquiry. He had at the same time shewn the two motions he intended to offer to the noble lord; and he must do the noble lord the justice to say, he did not disapprove of them. The colonel then moved for an Account of all charges, fees, and perquisites, received by the officers at the Mint, on account of the late re-coinage. Also, for an Account of all the money received into the Exchequer, and by all the subordinate collectors and receivers of public money through the kingdom, up to the end of the year 1778, the year ending at Michaelmas: which were ordered.

Lord George Gordon's Motion for taking the Petitions of the good People of England into consideration.] Lord George Gordon was of opinion that the noble lord should make his motion then, in conformity to the prayer of the county petitioners, that reformation should precede taxation. The hon. gentleman, who had spoken last, had talked a good deal of reformation; and what did it all end in? In an attack upon poor Mat o' the Mint. Instead of being angry with the noble lord for bringing forward his commission of accounts before he opened the budget, he ought to have thanked him. For his part, he was so anxious to have the desire of the people complied with, that he would then move "That this House do, on Thursday next, take into their most serious consideration, the humble and judicious prayers contained in the dutiful petitions of the good people of England."

Mr. James Luttrell seconded the motion, which was not relished by the House.

Lord George Gordon seemed determined to divide; and when requested not to cause the gallery, which was very crowded, to be cleared, his lordship exclaimed warmly, I am determined to take the sense of the House. I have broken off from those with whom I used to vote, because I saw they were inconsistent, and drew different ways. For my part, Mr. Speaker, as soon as I broke from them, I got friends all over Scotland and England; and as consistency is my grand object, I will not be diverted from my purpose, as I then should be inconsistent with myself.

The order of the day being moved, the House divided. The Noes were directed to go forth.

Tellers.

YEAS { Sir George Yonge - - - }
 { Mr. Robinson - - - }

Lord George Gordon was appointed one of the Tellers for the Noes; but no member going forth, nor any other member appearing to be a second Teller for the Noes, the Speaker declared the Yeas had it.

Debate on the Motion for the Committal of Mr. Burke's Establishment Bill.] Mr. Burke then moved the second reading of the Bill, "for the better Regulation of his Majesty's Civil Establishments, and of certain public offices; for the limitation of pensions, and the suppression of sundry useless, expensive, and inconvenient places; and for applying the monies saved thereby to the public service." The motion passed unanimously; but on another motion for committing the Bill, it was opposed by lord George Gordon, who divided the House, with more success than he had before, for as there was not room enough in the lobby to contain those who were obliged to go forth on the division, there were 90 who were obliged to remain within, and being numbered with his lordship made up 91 against committing the Bill.

Tellers.

YEAS { Sir P. J. Clerke - - - } 211
 { Mr. Hartley - - - }
NOES { Mr. De Grey - - - } 91
 { Mr. Adam - - - }

So it was resolved in the affirmative. Mr. Burke then moved, that the Bill be committed to-morrow.

Lord Beauchamp said it was very unusual for a Bill to go to a committee immediately after the second reading. It was necessary that all Bills, and especially those of great moment, should be proceeded through with caution. If this was the constant practice, how necessary was it to postpone going into a committee so soon as this day on a Bill of such magnitude, and in the event of which such a variety of individuals were deeply interested. From these circumstances, he recommended that the word "to-morrow" might be struck out, and "Wednesday next" substituted in its stead.

Lord Nugent was of the same opinion. His lordship animadverted on the petitions, and the tendency the opposition meant they should have, but verily believed there was not the cause set forth in them for

complaining against government. The prerogative of the king, his lordship did not think any ways increased, and for his own part, he would not restore parliament to its independency by lessening the influence of the crown. By the influence of the crown, he meant a due and constitutional influence; the crown was to be independent, and the parliament was to be independent, but they were both to be dependent, in order to be independent, for that the one grew out of the other. He asked how could it be said, that the influence of the crown had been increased, thirteen colonies having been lost; the addition of new taxes, he denied to be a means of extending that influence. As to the Bill itself, there were parts of it he much approved, but so far as it tended to a diminution of the influence of the crown, he would most assuredly set his face against it. He reminded the House, that the minister had been uniformly supported by the country gentlemen throughout the war.

Mr. *T. Townshend* attacked the noble lord for the expression which fell from him, by which the House were a second time given to understand, that any attempt at a diminution of the influence of the crown was to be resisted. The noble lord in the blue ribbon (*North*) had some few days ago explicitly opened his mind upon the matter, but the noble lord he was replying to, had gone a great way farther; he had made no scruple to say, that he would not restore parliament to its independency by lessening the influence of the crown. He had been long in the most intimate friendship with the noble lord, or he would have called upon the Speaker to have taken down those words. As to the observation that the influence of the crown was surely not so great now as before government had lost thirteen colonies, he was very ready to admit, that if that had been a plan of the ministry, it had been effectually executed. But the noble lord had asked, if laying new taxes on the subject, could be thought to add to the influence of the crown? There were such things as tax-gatherers; and though the taxes might not, the tax-gatherers, he was sure, tended not a little to extend the power of government. The increase, too, that had been made in the military establishment, in the raising of new corps, and the appointment of officers to them, had both augmented the means of corruption, and shewn the real designs of those in power too plain to escape the notice of the House.

Lord *North* said, that the Bill was of the most complicated nature, and required such a mature consideration, that Wednesday was, in his opinion, as early a day for sending it to a committee, as the House could well think of appointing.

Mr. *Fox* accused the minister of attempting an unnecessary delay. It was absurd and ridiculous to pretend that too early a day was proposed for the going into a committee. The noble lord had, indeed, asserted it, but had given no good reason for postponing the business, and he called upon the noble lord to lay his hand upon his heart, and say, if he was not ready to go into a committee, as far as a knowledge on his part of the Bill was necessary. It was not supposed that the whole of the Bill was to be immediately considered, but a part only; and what was that part? Whether the third secretary of state, namely the secretary of state for the American colonies, was not an office altogether useless, and as such to be abolished? This was the first part of the Bill to be investigated, and it was so simple a question, that there required no more preparation than had been taken to decide upon it. The other noble lord (*Nugent*) had argued in a very curious way. When opposition complained against government for an undue use of power, the noble lord was ready to exclaim, what would you have! we have lost thirteen colonies, and surely we have reduced the influence of the crown as much as you ought in reason to require! He denied in the most express terms, that it was true, that the influence of the crown had not been extended, and adverted in the most happy vein of satire to the argument used by lord *Nugent* in contradiction to that fact. The noble lord also said, that all places, pensions, and sinecures are in the gift of the crown, and that the crown acts constitutionally in giving them away; so that the noble lord means, if he means any thing at all, that when a member solicits a place, a pension, or a sinecure, he is, in so doing, supporting the constitution. As to the fact, whether the crown had extended its power or not, he sincerely wished the question could be fairly put, and the sense of the House impartially taken upon it. The minister had often complained that opposition were actuated by interested views, and the calumny had been echoed through the ministerial circle into the world. If this was the case, how did the present conduct of the side of the

House on which he ranked himself correspond with the charge? If they really wanted places, how was it that they had brought in a Bill for cutting off so many of them? If they wanted pensions and sinecures, how happened it, that they had proposed an abolition of them? Did they want money too? Then why were they struggling for œconomy in the expenditure of the public money? In fine, the hon. gentleman contended, that by the Bill in question, they removed every suspicion of selfishness, and he could not but call to mind the observation of an hon. gentleman, not a member of the House, who took the chair at the Wiltshire meeting, that the Bill went to make the opposition honest, as well as the ministry. He then took notice of some expressions that had fallen from the other side, respecting the liberty of the press having been carried to a great degree of licentiousness, and confessed he was apt to think our present situation in a great measure owing to the bad use that had been made of it by those hired by government, whose system it was to mix all ranks together, to bring them to a level with each other, and to impress the people with a notion that there were no virtuous men in the present age. This vile and damnable heresy, he exploded with great warmth of expression, and thought it done merely to set the public against the liberty of the press, and traduce those very men who were proving their integrity by promoting the Bill under discussion. He hoped, that as the thirteen colonies were now actually lost, for the noble lord (Nugent) had at length admitted it, the public was to have a great saving, and he hoped to hear that the pensions given to the American governors would be discontinued, and particularly that granted to governor Hutchinson, who had been the fore-runner and very firebrand of the rebellion on the other side of the Atlantic. He urged the going into a committee on the Bill next day; and charged the minister with an intention of putting it totally aside, or rendering it nugatory, by dissolving the parliament after opening the budget.

Lord North disclaimed any intention of dissolving parliament before the usual time; said if he had been supported by the country gentlemen, it proved he had not been supported by an improper influence. As to the Bill, gentlemen had certainly a right to be angry with him, if he objected to its going to a committee

next day and did not mean to let it go to a committee on Wednesday, which was not the case, for he did mean that it should then go to a committee, and begged leave to declare it to the House, but as the Bill consisted of a variety of allegations, and was a farrago of incidents, he did not suppose it would be thought unreasonable, if he should then call for evidence in support of those facts, on which the propositions of the Bill were founded.

Mr. Burke treated the expectation of the noble lord as to having proof of the allegation in his Bill with the most superlative contempt, because the thing was impossible. He asserted, that the third secretary of state was useless, and how was he to prove it, but by the notoriety of the fact? Neither the deputy, the clerks, nor even the fire-lighter, would come to vouch it. If he understood the noble lord, he was to prove all those places to be useless he meant to abolish, and also to shew by evidence, that he could make the savings he proposed, and as neither of those things were to be proved by evidence, except collateral evidence, he considered them as bars to the success of his Bill. Indeed, he concluded the noble lord meant on Wednesday to throw it out, for though he would concur in its going to a committee, he would not say it should be debated in it.

The question being put, that the words, "to-morrow morning," stand part of the question; the House divided.

Tellers.

YEAS	{ Mr. Thomas Townshend	} 195
	{ Mr. Fox - - - - -	
NOES	{ Lord Beauchamp - - -	} 230
	{ Mr. Robinson - - - - -	

So it passed in the negative. And the question being put, that the words "upon Wednesday morning next," be inserted instead thereof; it was resolved in the affirmative.

Debate on the Budget.] March 6. The House having resolved itself into a Committee of Ways and Means,

Lord North began with lamenting, that he should have a task so disagreeable to perform, as that he was about to execute. A noble lord (George Gordon) had called it a very serious business; another hon. gentleman had called it a devouring business; it certainly was far from an agreeable thing to him to come to that House to ask a large loan, which must necessa-

rily add greatly to the burthens already felt by the people; as little pleasant could it be for parliament, however pressing the necessity of the state, to add to those burthens. But when gentlemen bestowed harsh epithets on the business of the day, it would be but fair in them to remember that it was the war and the national demands that caused the Budget and swelled it to an enormous size, and not the Budget that caused the war or increased the national demands. At this moment it must be obvious to every gentleman, that the expences of the last year had been unavoidable; our enemies had fitted out so formidable a fleet and sent it to sea against us, that the boasted Armada, and all the fleets that we read of in history, that had ever been sent to sea against Great Britain at former times, were in the comparison, but mere trifles, when weighed against the naval preparations of France and Spain last year; a large fleet was therefore necessary to be fitted out on our part, and a finer, either in point of number, or in point of strength, had never sailed out of our ports; but every effect was traceable to its cause, the navy of England therefore it was, that had devoured the resources of the country, and to that principally was to be attributed the enormity of the last year's expences.

His lordship then went into a recital of the supplies already voted, and those that remained to be voted for the service of the current year, stating them article by article, and at length casting up the several gross amounts, he made the total nearly 21 million. After naming the army, the army extraordinaries, the ordinary and extraordinary of the navy, the ordnance and the various other usual services, he said that what served to swell the supply to nearly 21 millions, was the inheritance of the deficiencies of the last year's ways and means, and particularly the failure of the taxes. He stated what the land tax had fallen short, and said that he had come down to confess, that the tax on houses had, as gentlemen might see from papers on the table, failed for the two years very considerably. In the first year it had been given for 260,000*l.* and the produce of it had not amounted to quite 100,000*l.* The last year it had also fallen short, but not exactly in the same proportion. Gentlemen had at different times been extremely severe on that tax, and termed it unproductive, partial, and unjust. He was free to own, that though neither of

those epithets was due to the tax itself, yet it had certainly failed in its operation, and therefore it in some degree merited what had been said of it. The fault, as far as he had been able to trace it, was ascribable solely to an improper collection of it. The tax itself he still approved, and was sure it might be rendered both productive and efficient. The collectors and assessors down in the country had not done their duty, and thence it had failed. They had taken the rents of houses by an improper estimate, and in consequence the produce had fallen short, and the payments had been partially made, but he begged leave to say, that although it had, from the mode of its being collected, proved favourable to the rich, it was not to be complained of as having oppressed the poor. He said further, that he had been induced to adopt the mode of collection by parochial assessors and collectors, as an experiment how far the most lenient way of receiving it from the subject would answer the desired end; nor was he at all sorry that he had tried the experiment, although the event had proved, that had it not been governed by the rents of houses, but taken by the more certain, though less agreeable rule of the window tax, it would have exceeded in the produce by a considerable sum, the sum for which it was given. The wine tax his lordship declared, had also fallen short, in appearance, but he would not say in reality, because the deficiency might be owing solely to the quantity of wine designed to be imported, not having been imported by the time which the account was made up to. What therefore the produce fell short last year might be made up this. The deficiencies of the taxes upon the whole for the year before the last, his lordship stated at about 300,000*l.* The deficiencies of the taxes last year, at near 200,000*l.*

He said that the heavy expence of the navy, having necessarily increased the debt of the navy, it had as usual had its effect upon navy bills, which were for that reason at a large discount; he proposed, therefore, to pay off a million and a half of the navy debt, by exchequer bills. He mentioned 13,000*l.* paid the African Company last year, as a sum to be deducted from the amount of the parts of the supply not already voted, because that having been moved last session after the budget, was voted upon address, and therefore stood charged in the present account,

under the head of monies paid upon address to his Majesty, and not with the rest of the resolutions of the committee of supply.

After detailing every part of the supply, his lordship came to the ways and means by which he proposed to provide for the amount of the supplies, and first he mentioned the same number of exchequer bills as he had made a part of last year's ways and means; next the land and malt tax, and then the disposable monies arising out of the sinking fund; stating them thus: Exchequer bills, 3,400,000*l.*, land and malt tax 2,750,000*l.*, from the sinking fund 2,500,000*l.*; making 8,650,000*l.* Which, with the intended loan of 12 million, would amount to 20,650,000*l.*

His lordship descanted on each of the above heads as he mentioned them, giving his reasons for making the same use of exchequer bills as he had made the last year; and declaring that the sinking fund afforded a most comfortable prospect. He then went into a discussion of the loan itself, accounting for its being so large, and informing the committee that he had entertained hopes of not having occasion to borrow so much this year, from an expectation of being able to draw a very considerable resource from the East India Company; he said that the propositions which had been submitted to him, and which doubtless had been seen by every gentleman present, appeared to be a proper ground for a treaty which might have been brought to a point upon due conference and consideration, so as to have enabled him to have come to parliament for a ratification of them that year, but that a difference of opinion had arisen among the proprietors, and that the matter was at an end for the present. It might, however, soon be thought right by parliament to give the company the three years notice, as the charter would expire in three years from the 5th of April next; for certainly the public had a right to look for very considerable resources from the territorial revenues in India, all of which were, in his opinion, the property of the public; but he believed it was the universal opinion that the public had at least a right to a participation of the profits. The treaty, however, being broken off for the present, he had made the bargain for a loan of twelve millions, and he the rather did it, because he had offers made him for the loan of twenty millions; he thought it better, therefore, to take it at a large sum

this year and leave it to the loan of the next year to be proposed, he hoped not by him, but by his successor in office, to be more easy, which it undoubtedly from many causes would be. It might possibly be said, that it was easy to talk of twenty millions, but were those who had offered it men capable of making good the conditions? He did assure the House upon his honour, that among all the names entered in his books, there were not names for more than one million of the whole twenty, which were not the names of men whom he knew to be substantial and respectable characters; men capable of giving security for complying with the conditions of the loan. Nineteen millions he consequently could have answered for, and gentlemen thence would see that his great difficulty had been, not to raise the money, but how to strike off from the sum offered, and from the numbers that offered to be subscribers, so as to divide it satisfactorily. The terms of the loan which he proposed to the committee were these: Annuity irredeemable for seven years, at 4*l.* per cent. taken at 74*l.*; long annuity for 80 years, at 1*l.* 16*s.* 3*d.* taken at 16 years 29*l.*; four lottery tickets (of a lottery consisting of 48,000 tickets) for every 1,000*l.* subscribed, equal to a profit of 1*l.* making 104*l.* The 4 per cents. to be payable from the 5th of January last.

After stating this collectively, his lordship spoke particularly to each of its three distinct parts. With regard to the first, the 4 per cent. annuity, he said, it had been his wish to have raised the loan at 5 per cent. but that the monied men in the city objected to it, and gave their reasons; among others, they had stated, that it would not be a very pleasant thing to have a 5 per cent. annuity done under par, and different supposed valuations were put upon it. He would then have taken it at the next gradation 4½, but the same objections laid against that. In fact, the sum to be borrowed was a large one, he was the borrower and the monied men the lenders, the result therefore was, that the latter prevailed, and, though he had not at all changed his sentiments, and would recommend it to his successors to try again to borrow at 5 per cent. because it did not follow that what could not be procured then, might not be procured at another time, he was now under the necessity of taking it at the highest he could get it, which was 4 per cent. He stated, why he took their price at 74, and then

proceeded to speak to the long annuity, declaring, he was aware that it would be objected to him, that he was guilty of inconsistency; that he had always argued against long annuities, and therefore it was very extraordinary that he should himself propose that very thing which he had repeatedly condemned. It was true, that he had expressed a dislike of long annuities; it was no less true that he felt the same dislike of them at that moment. But every thing depended upon circumstances, and it did so happen just now that various reasons occurred, which rendered a long annuity for so small a sum as 1*l.* 16*s.* 3*d.* preferable to a short annuity.

His lordship, after mentioning that he proposed as one part of his budget, a lottery consisting of 48,000 tickets, in order to raise 480,000*l.* and why he preferred a 4 per cent. annuity to an addition to the 3 per cent. funds, proceeded to a declaration of the manner and times of payment of the loan. He took notice of the usual effect that a large loan had always on 'Change when it was first heard of, and said, that as soon as the terms were known in the morning, business was done upon it, and that he understood the 4 per cent annuity had fallen to 72, and the long annuity to 27*l.* reducing the bonus from 4 to under 1 per cent. He had since, however learnt, that the price had risen up to 2 per cent. and he had no manner of doubt but it would get up in a little time much higher, as had been the case last year, and indeed in all former years.

His lordship contended that the present bargain, notwithstanding the largeness of the sum, was considerably more beneficial to the public than the loan of the last year. He said, the interest that remained to be provided for, amounted to 697,000*l.* It might possibly be expected, he should then propose the taxes, by the produce of which he meant to pay it. As it was a matter which would oblige him to go into a much longer discussion than the lateness of the hour would admit of, he must defer it to another day. Thus much however he would say then, that let the consequence be what it might, let the clamour raised by them, either within doors, or without, be ever so great, let the pressure of them be complained of, as loudly as possible, he was determined to propose none but substantial taxes; taxes which being governed by certain and almost indubitable rules, should carry with them the strongest probability of fully answering the

sums for which they were given. His lordship concluded with moving a resolution, comprehending the heads of what he had stated.

Mr. Fox rose, and remarked that the noble lord had exultingly compared the terms of the present loan with those of the loan of last year, ironically complimenting him upon having compared it with the worst loan that ever had been made in this country. He said, that this loan being better than a worse loan, was no proof that it was a good one in itself. The noble lord had boasted of having 19 millions offered to him, and had afterwards told the committee, that he being the borrower, and the monied men the lenders, he had been obliged to make the best terms he could, not to take the present; though he had wished for terms exceedingly different. This, Mr. Fox said, was an irreconcilable argument. He should have thought a man who had found a difficulty, not in obtaining a loan large enough, but in striking off from the sum offered, and the number of persons desiring to lend, might have made his own terms, and not felt the usual difficulties of a borrower, because as the noble lord stated the case, the lenders were the party obliged and not the public. The noble lord however had acted as the borrower indeed! for what had the noble lord given as a bonus to the lenders? Not as the noble lord had stated it, a bonus of 4 per cent. No such thing; the noble lord had given the enormous bonus of 18 per cent. to the subscribers; this assertion Mr. Fox rested altogether on the present value of money; declaring that as the 3 per cents. thereon were at 60*l.* money was clearly and decidedly at 5 per cent. the noble lord therefore ought to have taken the 4 per cents. at 80 instead of 74, and the long annuity at 35 instead of 29. Add to this the douceur on the lottery tickets, and the 1*l.* 15*s.* for prompt payment. He attacked the noble lord for having used the stale, trite excuse, that he had made the best bargain he could for the public, and said, he had as usual followed the advice of that side of the House the year after it was given; that side of the House having last year particularly recommended long annuities, which the noble lord thought proper then to reprobate, though he had now adopted the idea, and made it a part of his budget. He adverted to what the noble lord had said relative to the East India Company, and declared it

had been hinted, that the sole aim of the noble lord, was to assume the patronage of the Company, and not to come to any treaty, the basis of which was the advantage of the public. Here he also threw out an assertion, that the first lord of the Admiralty, and the Treasury, were notoriously complained of as endeavouring to manage all questions at the India-house; rejoicing that the proprietors had lately defeated them.

He mentioned the necessity of the committee being satisfied, not merely whether the terms of the loan now proposed were better than the last, but also how far so large a sum of money as 21 millions was necessary, and whether the enormous sums already voted had been honestly and duly applied. He observed, that the extraordinaries of the army had been a chief part of the public expenditure, and desired gentlemen to see how great a part of those cursed extraordinaries were occasioned by the American war, calling upon the committee to demand an explicit answer from ministers, whether they meant to pursue that damnable and detested war any longer, and pointing out how many millions had been appropriated to that service for the two last years, though there had not been a single stroke struck there the whole of the last campaign; that on the contrary it had been an inactive campaign as to the Americans, the only thing we had done upon the continent being the protection of Savannah from falling into the hands of the French. Mr. Fox in very striking colours contrasted the beneficial advantages of a war with France and Spain, our natural foes, with the injuries even of success against the Americans; shewing that on a peace every American ship we had destroyed, would turn out a loss to our trade; whereas, on the contrary, every ship we either destroyed or took from our Bourbon foes, was a material acquisition to our own strength. He appealed to the committee whether every shilling that was desired for carrying on the war vigorously against France and Spain was not most cordially granted, and whether every penny appropriated to the American war was not given with the most serious dissatisfaction. He declared, that were it possible for the House that instant to come to a decisive and a distinct vote on the question, whether the war with America ought or ought not to be continued any longer, he did in his honour and conscience believe,

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that a very great majority would vote for putting an end to the American war immediately. He rejoiced most heartily in our late glorious successes over the French and Spaniards, and he hoped to God, ministers would have the wisdom to make a fit use of them, to point the war with every possible exertion against these our natural enemies. He observed, that we had taken and destroyed nine sail of the line of the enemy, and our own navy was in consequence strengthened with the addition of six sail of the line. This was real, substantial advantage: this, if properly pursued, might give us what was desirable to all men who felt a real love for their country, a safe, a lasting, and an honourable peace. Continuing the war with America never could produce the same salutary effect. He spoke of sir George Rodney in the warmest terms of praise, and said if ministers delayed much longer in appointing him to the place of lieutenant general of marines, he hoped his hon. friend would renew the motion made by him the last week, and withdrawn, on what had been said by the noble lord in the blue ribbon, who had declared, that the place alluded to was by no means too high a reward for sir George's merit. If ministers did delay the appointment of the above brave admiral to the place in question, they would give authority to the blackest suspicions which had already gone abroad, and which impartial men, both without doors and within, could scarcely resist admitting the force of.

Lord George Gordon commented with his customary freedom and peculiarity of manner on Mr. Fox's speech, terming him the hon. orator. He sat out with acknowledging, that Mr. Fox gave evident proofs of his great and superior knowledge in the business of making loans, declaring, that every gentleman in the House must confess, the hon. orator knew how to borrow money on better terms than the noble lord in the blue ribbon. He afterwards reprobated Mr. Fox for his inconsistency in advising the giving away a sinecure place, when he pretended to support that shadow of an outline of reformation, Mr. Burke's Bill. He both defended lord North, and accused him in some particulars, saying it was clear he wanted to cram that House. He concluded with declaring that he should, from motives of consistency, give his negative to the motion, because he

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thought they ought not to grant more supplies till something was done in conformity to the petitions of the people.

On the motion of lord G. Gordon, the Committee divided on the Resolution: Yeas 102; Noes 28.

March 15. The House having again resolved itself into a Committee of Ways and Means,

Lord *North* began with lamenting the evil of the day, declaring that the task of proposing taxes, the amount of which must be so very heavy a burthen to the people, was the most arduous, the most unpleasant, and the most irksome, of any he had undergone since he had held his present situation. The burthen would oppress the subject in some degree; it had oppressed him already greatly. He hoped, therefore, gentlemen would not increase the evil by unnecessarily going into matters of declamation and personal attack upon him, which were not only improper at that time, but exceedingly unjust to agitate at any time, as they had been agitated. An hon. gentleman (Mr. Hartley) had said, that the burthens about to be imposed on the people, were owing to his crimes; he would not now go into an argument upon that head, he would only say, that he had committed no crime, and that he had done his country no wrong whatever; so far from it, the line he had pursued, and the plans he had been concerned in as a member of administration, and had supported as a member of parliament, in concert with the majority of that House, had been solely calculated to support the just rights of Great Britain, to maintain our interests as a commercial people, and to defend the territories of the crown, and put them in safety from the designs of our enemies. These had all along been his motives: he felt every wanton effort of faction to traduce his character with no other emotion than that of contempt; he was conscious of his innocence, and whenever an enquiry was moved against him, or any specific charge of criminality brought forward, he would meet either with cheerfulness and with confidence, because he had no doubt of the justice of his country, and was certain they would not think he had merited their ill-will, when they had the whole matter before them. In the mean time he wished that all accusations might be suspended for that day at least, as the real business of it would sufficiently engage the attention of the committee.

Having made this exordium, his lordship proceeded to the real business of the budget. The sum to be raised for the payment of the interest of the loan, he stated to be 697,500*l.* a very large sum certainly, and which, burthensome as it would be to the people, was unavoidably necessary to be produced by such taxes as the committee should approve. He had said, the last time the budget was in agitation before the committee, that the taxes he designed to propose should be substantial taxes, and such as might be relied on, as being most likely to answer the full amount for which they should be given. In order to do this, he had no other resource but in additional taxes to those already imposed on certain subjects of taxation, which from their nature were not likely to vary, or to fall short of the produce of that sum for which they might be taken. As these taxes must unavoidably be felt, his principal aim had been so to impose them, that they should bear equally upon the subject, and while they answered the exigencies of the state, should neither injure its commerce, nor be complained of as a grievous burthen upon any description of the people.

The first object of his taxes, and from which indeed he meant to obtain the largest part of the sum required, was the brewery; that natural English beverage, malt liquor. But in imposing this tax, the difficulty lay in so settling it, that while the ends of finances were adequately answered, the pot of porter, and tankard of beer, should not meet the lip of the individual consumer with any additional charge upon either; that the one should not cost more than three-pence halfpenny, its present price, nor the other more than what was now paid for it. In order to effect this purpose, of not increasing the price of porter, to the porter drinker, he had chiefly directed the tax at the private brewery, those who brewed their own small beer and ale, and who had not been taxed when the last impost was laid on the brewery, though they were, generally speaking, more opulent people, and better able to pay a duty than those who bought their small beer of the public brewer. When this idea was under consideration, the point chiefly to be taken care of was, to save the private brewer from the unwelcome visits of the exciseman, visits which no private gentleman would certainly have wished for, and which he thought it his duty, if possible, to prevent.

Two ways had offered themselves for this purpose; the first was, by a composition in the nature of that proposed, when a tax which had been exceedingly obnoxious and unpopular, was proposed some years since; he meant the tax upon cyder. The objection then urged, was, that every private man's dwelling was his castle and his sanctuary, and ought not to be rendered liable to the entry of the officers of excise, who very properly and necessarily had access to the houses of those who carried on the brewery as a trade, and that though a composition was authorized by the Act, yet that a man's house was ultimately liable to an exciseman's entering it, because if he suspected an unfair composition, or if the party making cyder for his own use, would not come into a composition, the exciseman had authority to enter, to gauge the cyder, and to demand the full amount of the duty. Such was the objection, and certainly it had been founded; but how was it to be avoided? Because if the exigency of the state required that a tax should be imposed on cyder, and a composition was offered to save the persons liable to pay it from a more obnoxious mode of collection; if that composition was not accepted, a power must be given to compel the payment of the tax, or the ends of the revenue would not be answered. The same objection would undoubtedly have been made had a tax been imposed in like manner on the private brewery. The second way to protect the private brewer from the visits of the exciseman, that had been proposed, was by not meddling with the beer when it was brewed, but imposing a tax on its principal ingredient, malt. This was that, which he had adopted; and in order to save the public brewer, who was sufficiently taxed already from paying it, he meant that he should have an adequate allowance upon the beer.

More fully to explain how this must be done, his lordship stated from written documents which he held in his hand, and which he declared to be authentic, an exact enumeration of the number of quarters of malt brewed in a year in the metropolis, and in other parts of the kingdom. Two quarters, he said, in London, brewed five barrels of porter, or beer, and about two thirds of another barrel; the exact amount of a new duty designed to be laid upon malt therefore would be 1s. 4d. and 19-23rds per barrel. In the country two quarters of malt, he understood, generally

brewed about four barrels and a half of beer, the amount of the new duty therefore would upon the country beer be 1s. 8d., and the fraction of a penny per barrel. The allowance he should make would be 1s. 4d. to the London, and 1s. 8d. to the country brewer, and 4d. per barrel upon small beer, which he also in detail shewed to be about an average allowance upon the duty paid for the malt used. The fractions were, singly considered, but mere trifles, upon the whole brewery, however, they amounted to a large sum, but he thought the public had a right to that advantage, and the public brewers would have no right to complain, because the tax would in all probability check the private brewery, and increase the business of the common brewers. He stated that the amount of the new taxes in the gross, would be 670,000*l.*, but deducting the allowances and other drawbacks, there would remain a neat 310,000*l.* at which sum he should take it; as the first part of the sum to be raised by the taxes he had to offer to the committee.

Having thus laid a burthen on the proper British beverage, it was natural for him to turn his eyes to other beverages; he first, therefore, should propose an additional tax on low wines, and spirits, made from malt. On the former he proposed to lay a duty of 1d. per gallon, which would produce full 20,617*l.* On British spirits he proposed a duty of 3d. a gallon, the produce of which would be 34,557*l.* The next object in view was foreign spirits; and first brandy, on which he should propose an additional duty of 1s. per gallon, which would produce 35,310*l.* Rum, though it came from the West Indies, he could not but regard as a species of foreign spirit, and he meant to lay the same duty upon it as upon brandy, viz. 1s. per gallon, which, as the importation was more than double that of brandy, would at least produce 70,958*l.* Some persons, he said, might suppose he had laid too heavy a duty on rum and brandy, and that it would tend to increase smuggling in brandies; he was convinced he had not; that the new duty would not lessen the consumption, and as to smuggling, the duties were already so high, that no increase of that dangerous trade was to be dreaded from the addition proposed. As brandy and rum were both, not only luxuries, but pernicious luxuries, he thought them very fair objects of additional taxation.

The next article he had turned his eyes

to, had been lately tried, and experience had shewn, that it would very well bear an additional duty, and that without any increase of price to the consumer. The article he alluded to, was foreign wines. The legislature had two years since imposed a tax of four guineas a ton on Portugal wines, and eight guineas on French, which, on the former, amounted to 1*d.* per bottle. The consequence was, the retail venders, the masters of taverns, coffee-housemen, inn-keepers, &c. had universally raised it upon the public 6*d.* a bottle. The profits upon this increase had been shared between the wine-merchant and the tavern-keeper, &c. the former having, as he understood, made the latter pay 12*l.* a ton additional price, on account of the new duty. The tax he meant now to propose, was just double the former, viz. an additional penny per bottle, and the wine-merchant and tavern-keeper having, as he had stated, taken 6*d.* per bottle of the consumer, might very well afford to pay the new tax, without charging their customers more than they now charged them, viz. 2*s.* 6*d.* per bottle. His lordship dilated upon the probable effect of this new tax, and said it was not the interest of Great Britain to lay any heavy duty upon Portugal wines, because Portugal was our ancient and best ally; we had a kind of natural connection with her in the wine trade. The new tax, he was pretty certain, would not decrease the importation, and as to any bad effects of it at home, he saw none; it certainly would not encourage adulteration, because he verily believed that art was now strained to its utmost perfection, and that it was not possible in the nature of things, to produce a bottle, under the denomination of port and other wines commonly drank at taverns, &c. with less wine in it, than was now repeatedly served up in some houses. He stated the whole amount of the importation of foreign wines, whence it appeared that out of 19,000 tons, annually imported, 1,400 and odd came from Oporto, 400 from France, best part of the remainder from Spain, and about 70 tons from Germany. He charged the new duty only 4*l.* on Portugal wines, and 8*l.* on French, declaring that for the sake of regulating the custom-house business, he meant to add the 5 per cent. the same as had been laid on other imports, &c. last year, which would bring the duty up to four guineas and eight guineas, the same as before. His lordship stated the pro-

duce of the additional tax on foreign wines at 72,000*l.*

His next object was coals exported. To shew that this was a justifiable object, he remarked that the duty paid at the port of London, was 2*s.* per chaldron more than was paid at Newcastle on exporting to Rotterdam, and other places, and therefore he meant to impose an additional duty of 4*s.* the Newcastle chaldron, which was double the London chaldron. The produce of this he gave at 12,899*l.* Upon the whole of these taxes, his lordship said, he should propose the additional duty of 5 per cent. the same as was last year imposed, which he took at 46,193*l.*

All these several taxes put together would still fall short nearly 100,000*l.* of the sum wanted; in order to make up this, he should propose various small taxes, and first a tax upon an article, which he was aware was a necessary one of life, and equally so to the poor and the rich; the tax therefore would be felt universally, but he trusted the mode in which he meant to impose it, would render it so trifling a burthen, that no person, however poor, would have cause to complain. The article he meant, had not been taxed last year, and was the article of salt. He stated the number of bushels accounted for to the salt office, said the gross produce of the present duties amounted to 900,000*l.* and yet the net revenue of salt was no more than 240,000*l.* Nor was the decrease imputable to the charge of management, as had been frequently supposed. The entire charge of management was no more than 26,000*l.* The great difference between the gross receipt and the net revenue was occasioned by the number of drawbacks, debentures, and bounties, upon the exportation of salt provisions, and for various other matters, all established for the benefit and encouragement of trade and commerce. A bushel of salt contained 56*lb.* The duty he meant to impose would be 10*d.* per bushel, which would not give any colourable pretext for the retail vender to charge the consumer more than one farthing a pound in addition to the present price, because that 1*s.* 2*d.* per bushel, even had he imposed the duty at that rate, would only amount to a farthing a pound. His lordship stated that a peck of salt was sufficient for the use of any little family, a twelvemonth, and therefore there could be no ground of alarm at this tax, on a dread of its being oppressive and grievous

to the poor. His lordship took the produce of this tax at 69,000*l*.

The next matter he mentioned, was an additional duty of 6*d*. on each advertisement inserted in a public newspaper, the produce of which he estimated at 9,000*l*. Another object was entirely a new tax, and yet he flattered himself that it would meet with no objection, and be paid with great cheerfulness: it was a tax on all receipts given to administrators and executors upon the payment of legacies. In order to enforce it, he meant to insert a clause in the tax bill, making all payments of legacies null and void, the receipts for which were not on stamped paper, and the proportion he designed to make them at would be this: 2*s*. 6*d*. for a stamp on a receipt for a legacy at or under 20*l*.: 5*s*. for a stamp for a receipt for a legacy at 50*l*. or over 20*l*.; and 20*s*. for a stamp on every receipt for a legacy amounting to 100*l*. and upwards. His lordship said he had some thoughts of carrying this idea much farther. The Dutch had a tax called the collateral tax, which was the payment of a certain duty by every person not immediately the descendant of the deceased, who came into possession of his estate and effects. However it would be almost impossible to do exactly the same here, or to have ascertained the value of the property, those who died in this country left behind them, by which the tax must necessarily be regulated, and precisely ascertained. The face of the will was the only guide we could have, and that was by no means a certain direction. He told the committee, that he had received several hints of such a tax, and one of his correspondents, among other reasons urging him to adopt it, used one which was rather comical, and that was, that it would be a very productive tax, a tax which nobody would feel, for it would be paid by nobody till after he was dead. He owned he did not dislike the idea of the tax, but he could not adopt the reason used by his correspondent. The reason why he liked it was, that it was to be paid not by a dead man, but by a live man, and he trusted the live man would pay it, whether it should be, if at any time hereafter adopted, with perfect good humour and good will.

After stating his reasons, why he did not at present attempt to reduce the tax he had hinted at, into a practicable shape, his lordship declared, that the tax on legacy receipts would be easily collected

by the same persons who collected the other stamp duties on letters of administration, &c. and that he took the produce at 21,000*l*. The last object of his tax was an annual licence to be taken out by all dealers in tea; an idea which he had in contemplation last year. The price of the licence to be five shillings each, the produce of which would be 9,082*l*. His taxes altogether would stand thus: *£*.

Malt, at 6 <i>d</i> . per bushel	- - -	310,000
Low wines, at 1 <i>d</i> . per gallon	- - -	20,617
Spirits, at 3 <i>d</i> . ditto	- - -	34,557
Brandy, at 1 <i>s</i> . per gallon	- - -	35,310
Rum, at 1 <i>s</i> . ditto	- - -	70,958
Foreign Wines—Portugal, 4 <i>l</i> . per ton; French, 8 <i>l</i> . per ton	- - -	72,000
Coals exported, 4 <i>s</i> . per New- castle chaldron	- - -	12,899
Five per cent. on the above duties	- - -	46,193
Salt, at 10 <i>d</i> . per bushel	- - -	69,000
Stamps on advertisements and legacy receipts	- - -	21,000
Tea licence, at 5 <i>s</i> . each	- - -	9,082
		<i>£</i> . 701,616

The total amount, his lordship remarked, would somewhat exceed the money wanted to pay the interest of the loan, but then there must necessarily be some allowance for contingencies. He remarked further, that the collection of all these taxes, would not occasion the appointment of an additional officer, or cost the public any thing. He gave notice, that he intended very soon to propose some mode of rendering the former taxes, which had turned out deficient, sufficiently productive to answer the amounts for which they had been given, and accounted why they had failed in their produce. He also congratulated the committee on the comfortable prospect for the next year, assuring them that there was, to his knowledge, various subjects of efficient taxation yet open to the public as resources, and which he had this year forbore to touch upon, for certain reasons. He mentioned also the 200,000*l*. of public monies which would fall in next year, and spoke of the East India Company as another field of expectation, declaring that the three considered together, would be more than adequate to any probable necessity of the public. His lordship concluded with moving his first Resolution.

Mr. *Hartley* attacked lord North severely, and arraigned his proposed method of making an allowance to the brewer, shewing that it was open to great fraud,

especially in the allowance upon small beer; and concluded with saying that he waved opposing the taxes, but should in a few days make a motion respecting America.

Mr. *Byng* said the petitions ought to be complied with before more taxes were voted.

The question being put on the first Resolution, lord George Gordon insisted on dividing the Committee. The numbers were, Yeas 135; Noes 9. The other Resolutions were agreed to.

Debate on Lord George Gordon's Motion, That it be an Instruction to the Committee on Mr. Burke's Establishment Bill, to abolish the Offices of Auditor and Tellers of the Exchequer.] March 8. The order of the day being moved, for the House to resolve itself into a committee, on Mr. Burke's Establishment Bill,

Lord George Gordon observed, that the great drift and tendency of the petitions of the people was a recommendation to adopt an æconomical expenditure of the public money, and as it was the duty of every member, as far as his abilities might enable him, to offer some proposition framed or suggested from the subject matter of the petitions, he had thought of one which seemed to correspond with the general idea of æconomy held forth in them; or, indeed, with the very words of the petitions themselves. The abolition of sinecure places and exorbitant emoluments was one of the prime objects of every thing which had been hitherto done without doors: he thought, therefore, that now was the proper time to propose his motion before the House went into a committee on the Bill. He said, the places which he had immediately in contemplation were those of Auditor, and Teller of the Exchequer. If they were not sinecure places, they partook of the nature of sinecures; because the duty was performed by deputy; if they were not pensions, they were nearly the same, and as to the persons who held them, might be deemed unmerited; and that the profits and perquisites were exorbitant, required no better proof, than that they amounted to fifty times as much as the salary. He thought it behoved the gentlemen, who supported the going into a committee on the Bill, in which it was proposed, to new arrange and direct the whole of his Majesty's civil list revenue; which directed its attention to the King's very bedchamber, to

his wardrobe, his stables, and table; and which was to prevent him from eating, unless the very bread and meat he eat should be served by contract; in such a case he thought it behoved those, who for the sake of æconomy had determined upon such a reform, to clear themselves of all grounds of suspicion, or a possibility of imputation, that they had a wish to retain their own places and sinecures, and only meant to extend the reform to the places held by such as differed with them in political opinion. The hon. gentleman, who proposed the Bill, had indeed evidently taken care of his friends. Their sinecures were to endure as long as the present possessors lived; all others were instantly to cease as soon as the Bill should pass into a law. His lordship, after passing some very strong censures on the conduct of the author of the Bill and his friends, moved, "That it be an instruction to the committee, to consider how far the places of Auditor, and Tellers of the Exchequer are necessary for the public service; and to abolish, if possible, those places, or to lessen their exorbitant perquisites, that the produce may be applied to the exigencies of the state, with a view to alleviate, in part, the heavy burdens of the people."

Mr. *Jolliffe* seconded the motion. He thought it contained matter well worthy the consideration of the House, and went directly in conformity with the prayers of the petitions; and could not be opposed with any degree of consistency by gentlemen on the other side. There was little or no duty annexed to the office pointed at, and when it was considered that the very first clause in the Bill proposed the abolition of the office of secretary of state for the colonies; and that the next clause proposed the abolition of the board of trade and plantations; the friends of the Bill must, if they meant to act consistently, readily adopt the motion.

Mr. *Adam* could not see the necessity of the motion. It would in his opinion be time enough to propose it in the committee.

Mr. *Powys* hoped the noble lord would withdraw his motion, as it might interrupt the proper business of the day.

Mr. *Sawbridge* begged the noble lord would withdraw his motion. He believed the noble lord had not attended to the Bill; otherwise he must have seen that there was a clause in it for abolishing the very places alluded to; and if the clause as now worded, did not come up to his

own ideas, he might move an amendment which would.

Lord *G. Gordon* assured the hon. gentleman that he had carefully perused the Bill, and acknowledged that he had read the clause; but he believed that it was so far off, being in the 16th page, that it would never come under the consideration of the committee. The hon. gentleman who framed the Bill took particular merit with the House, that it proceeded upon the idea of the petitioners; yet, how had he acted? He had passed the sinecure places, and without any authority from the petitions had proposed to abolish the office of secretary of state for the colonies, which most clearly could not be deemed a sinecure place.

Lord *North* was of opinion, that the instruction to the committee was entirely unnecessary; for such a provision was already in the Bill, and the committee would be at liberty to retain or abolish the offices alluded to, as they might think fit; and if any places were to be abolished, most surely, those pointed out by the noble lord came within that description. They were offices of great emolument, and which called for very little attendance; by the abolishing of which, a considerable saving would arise to the public, which might be applied to the exigencies of the state: and he could not help acknowledging the justice of the noble lord's observation; that if we were to enter into his Majesty's retirements, into the inmost recesses of his palace; to make retrenchments in his private expences; there could be very little apology for rendering such offices, as those mentioned by the noble lord, too sacred to be touched: that is, we shall oblige our sovereign to contract for the expences of his table, but there are certain sinecures that must remain as they are, at least during the lives of the present possessors. If a reform were at all necessary, it should be general, and not a partial one. His Majesty had a grant for life made to him, at his accession, of the civil list revenue. He parted with what he must have held, had he not given it in lieu of a fixed revenue; namely, the duties appropriated for the service of the civil list; he thought, therefore, that there was an apparent incongruity in the hon. gentleman's Bill, where it went to take back that part of the revenue, which had been settled upon his Majesty for life; and at the same time proposed to continue the salaries and emoluments arising from sinecure places

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to the present possessors during their lives. Great stress had been laid on this circumstance; that he and those who agreed with him were of opinion that the present Bill ought to be sent to a committee, and, therefore, that they could not oppose it there, as they had acceded to the principle. For his part, he was at a loss to say, what was the principle, but the result of the whole Bill taken together. That was his first opinion on the Bill being presented; it was his opinion still. How was it possible to enter into the consideration of any bill but in the committee? There the parts would be considered separate and distinct; then every gentleman could deliver his sentiments distinctly and clearly, agreeing to this clause, objecting to that, or altering or amending whatever appeared to him to require it.

The *Speaker* observed, that it was entirely needless to give the instruction moved by the noble lord.

Mr. *Powys* moved for the order of the day.

Mr. *Burrell* confessed he was a friend to the motion. Being on his legs, he begged leave to throw out a few general observations on the petitions. That the people of England had a right to petition parliament was a position, which he trusted no member would dare to dispute, for he held it as indisputable, that every subject had a right to speak his sentiments, unawed by power, uncontrouled by any set of men; yet he found very strange conclusions deduced from those premises, tending to intrench upon the inherent privileges of that House, for while the privilege was maintained without doors, it was denied within, and a language of a very extraordinary nature had prevailed, that although the people had a right to petition, the members of that House were precluded from exercising any opinion of their own, or discussing freely whether the prayers of the petitions ought or ought not to be granted. He for one approved of petitions; he was himself a petitioner, but he totally disapproved of committees and associations. Would not the liberty of debate be then at an end, if he was forbid to express his sentiments? He was however determined to deliver his sentiments unawed by power or great abilities. If the people had a right to petition, he as a member of that House had a right to judge not only the measures recommended by the petitioners, but likewise to deter-

mine who the petitioners were, and how far the petitions did or did not express the sense of those to whom they were imputed. He knew of no way to collect the voice of the majority of the people, but by the majority of freeholders; and he was free to say, that in his conscience he believed that not above an eighth of that description of men had signed the petitions.—Sacred as he held the right of petitioning, he would not give his countenance to it, if exercised in a disrespectful manner. By what name then could he stile those petitions, which under the mask of humility, bore all the fire of memorials and remonstrances? They plainly aimed at the destruction of the independency of parliament, by tying down the members to certain measures; by taking away from them their own judgment, and their own will, and imposing on them the disgraceful and unconstitutional yoke of sanctifying by their votes, those measures which their own understanding reprobated and condemned. The moment parliament should submit to such a shameful slavery, that moment he would pronounce to be the last of English liberty.—It afforded him matter of astonishment that men could be found hardy enough to deny the right of the people to recommend to parliament the strictest system of œconomy, at a time when the nation was plunged into a most formidable and expensive war. But he wished to know how far the petitioners had been right in advising their representatives to use all their endeavours to alleviate the public burdens. Could the most rigid œconomy lessen a single tax that now lay upon the shoulders of the people? Must not the interest of the national debt be paid? Was that to be done by an abolition of taxes? To recommend œconomy was right: but to say that the present taxes can be lightened by that œconomy, was absurd.—Many persons had been induced to sign the petitions from views which it was absolutely impossible ever to gratify. In many places, particularly in Kent, two petitions had been presented from the freeholders, the one moderate, proper, and respectful; the other absurd in its object, and impracticable in its operations. It had been a practice to say to the people, if you sign the latter, all your taxes will be abolished in a fortnight; if you sign the former you will not have a bed to lie on in a month. An inexperienced, ignorant man had not the least ground for hesitation; his choice was soon made.

Thus by deception the numbers of subscribers to improper petitions had swelled. This he said not from a disapprobation of petitioning in general, but from a desire to check those who either designedly or ignorantly had mistaken the proper objects of petition.

General *Conway* said, that there was no occasion for the instruction moved by the noble lord, because there was already a particular provision in the Bill for that purpose, which besides had a special reference to the present mode of accompting at the exchequer; and what the noble lord, and the two hon. gentlemen said, as to the continuing the places, during the lives of the possessors, the committee was the only proper place to consider that. The House might, if it were thought necessary, abolish those places at once, or lessen the fees or salaries, &c. but the real principle of the Bill was reform in general; in what manner, or to what extent that reform might be carried, was the proper business of that House, when the clause alluded to came under its consideration. The first clause in the Bill, which he presumed would make the subject of the present day's debate, made but a very small part of the Bill, that of abolishing the office of one of the three secretaries of state; and even the Bill itself formed but a part of the general plan of reformation. An hon. gentleman, (col. Barré) for instance, had proposed a reformation in the whole course of receiving, issuing the public monies, and passing the public accounts of the kingdom, which had been snatched out of his hands, by the noble lord in the blue ribbon, in what appeared to him a very indecent manner. The noble lord himself had proposed a commission of accounts, directed apparently to the same object. Another hon. gentleman (sir P. J. Clerke) brought in a Bill, which had gone through a second reading, for correcting the abuse of contracts, entered into by the Treasury, with members holding seats in that House. Other propositions might be made by other gentlemen, so that, on the whole, it was no less unfair than unfounded, to suppose, that a single clause of a single Bill was the great object, for which the friends of œconomy, and the promoters of it, were contending; for the nation at large was under high obligations to the hon. gentleman who proposed the Bill; his integrity, abilities, and indefatigable industry, shone forth on the present occasion; and what-

ever might be the fate of the Bill, it would, it must be acknowledged, that he had, in a most commendable manner, endeavoured to discharge his duty. His Bill formed but a part of one great whole, and so far as it went, was strictly supported by the petitions; and he made no doubt, but if every member came to the House with the same disposition, that the great object the petitioners had in view, that of a general reform, would be soon accomplished.

Mr. *Hussey* rose with great warmth to reprobate an expression which fell from an hon. gentleman (Mr. *Burrell*), that the voice of the people of England was only to be attended to, when it declared the sense of a majority of the freeholders. This was a language he would never suffer to pass unnoticed: what, were the people of England to be precluded all redress; excluded from all participation in the public interest, if a majority of the freeholders was not with them? He believed, in any possible sense the expression could be taken or received, it was founded in falsehood and error. Surely, the great body of electors of England were not to be bound by any partial opinion, of those who enjoyed in common with them, the constituent rights of freemen and Englishmen; and even independent of this, were the people, on whom the taxes were levied, in common with the rest of their fellow-subjects, to be debarred all means of redress? He took it to be a clear, indisputable right, vested in every Englishman, to petition, and most certainly, if entitled to it, they were likewise entitled to the consequence of it—relief; otherwise it would be to exercise a right they possessed, but to no manner of purpose.

Mr. *Burrell* assured the hon. gentleman, that nothing could be farther from his intention, than to treat Englishmen with contempt; all he meant to say was, that the petitions did not contain the voice of the majority of the freeholders, in the several counties which had presented them; that they were the sense only of such as subscribed their names, and of course, had no right to pass for the sentiments of any but the individual petitioners themselves. The sense of the people of England, in what manner soever it might be brought forward, would always have a due weight with him; but this he would say, that the House had a right, in the first instance, to be satisfied, that the sense of the people was fully and unequivocally de-

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clared, and likewise to determine afterwards, on the propriety and expediency of adopting the matter so proposed to their consideration.

Mr. *Byng* adverted to the assertion of the noble mover. He begged the noble lord would not say that all the sinecure places held for life were in the hands of opposition. Certainly the most lucrative office in this country, the auditorship of the exchequer, was not held by a man who voted against the minister. He was happy to hear the noble lord say that he had not any objection to the abolishing of places held for life, and in reversion, because, undoubtedly, after such a declaration, he could have no objection to the abolishing of places held during pleasure. An hon. gentleman who had spoke last but one, had said, that not an eighth part of the freeholders had signed the petitions. He could assure the House that a very great majority of those who had not signed the petitions were yet friendly to the measure of reform, and anxious to bring it about.

A short desultory conversation arose, in which, among other things, it was recommended to lord George Gordon to withdraw his motion. His lordship was informed from the chair, that there was a clause in the Bill, which would answer the purpose of the instruction. Lord George consented on that ground, though, he said, he meant to oppose the Bill in every stage. He had continued hitherto to act consistently, and ever would, as long as he had the honour of a seat in that House.

Mr. *Rigby* rose just as the Speaker was preparing to discharge the motion made by the noble lord, in order to make room for the order of the day; and said, he had a motion in his hand, the contents of which had yet been confined solely to his own breast. He had consulted no person on either side of the House. Whether right or wrong, it was all his own. He had informed the House, on a former day, that he had an opinion on the subject of the present Bill; that he would open it to the House in some one stage; and he knew no time so proper as the present to make it known, when the House was just on the point of going into the committee.

He would now repeat what he said on a former occasion, that there were some parts of the Bill of which he highly approved, and others which he could by no means give his assent to. An hon. gentleman (Mr. *Fox*) the last day, said, that those who voted that day for sending the

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Bill to a committee, had bound themselves to the principle of it. If the hon. gentleman meant that it bound those who approved of a part of the Bill, and who for that reason voted for its going to a committee, to an approbation of the whole Bill, he, as one who gave his vote for reading it a second time, and sending it to a committee, begged the House would understand, that he did not look upon himself so bound. Indeed, the conclusion was a most extraordinary one; and he could not better shew the absurdity of it than by the following example: Suppose, for instance, that he approved of the part of the Bill which related to the abolition of the sinecure places, and the mode of accounting at the exchequer, and the regulation, &c. of the office he himself occupied, that of paymaster, which, under some restrictions and qualifications, was in a great measure the case, and suppose likewise that he was against that part of the Bill for controuling the civil list revenue, which was likewise the case; what conduct could he have adopted, so as to answer his own wishes, and act agreeably to his own judgment, when the Bill was read a second time? If he had opposed the Bill in that stage, he must have opposed it *in toto*; for an opposition to the second reading must be an opposition to the whole Bill, which would be acting expressly contradictory to his own sentiments, as he approved of the parts just alluded to. What, then, in reason, could he have done? But to send the Bill to a committee, in order to give success to the part he liked, with however a fixed determination, to oppose that part of the Bill which he disliked.

He then proceeded to assign his reasons, why he approved of that part of the Bill which had reference to the reformation in the mode of auditing the accounts at the exchequer; after which he spoke of his own particular office. He was aware that his own office lay under a great deal of obloquy, which he could affirm was undeserved. That the accounts were not passed in his office so early as might be wished for, was certain. He knew it, and lamented it, but that was not his fault, nor the fault of those who acted under him. The delay was solely caused by the present method of accounting at the exchequer. His account, however prompt or ready, must be audited and passed before he could be relieved of the burthen; and a great burden it was on

his mind, and a cause of much solicitude; for nothing was more painful than to lie under imputations, the ground of which it was not in his power to remedy. A very popular topic was, that the money lay in his hands, and the hands of others, by which means individuals were enriched, and the state impoverished. The case was not so: a great part of the money which came to his hands was placed in the Bank, nor did he derive any profit from what was not. His emoluments were sufficient, though far from being so great as reported: but when they should be all taken away, the salary would be sufficient for him, or whoever might succeed him; and so far as a reform might be supposed or intended to affect his office, he was ready most cheerfully to submit to it. Many things had been said concerning it both before and since he came into it, which had no foundation in truth. He instanced the case of a noble lord, who, about the time he came into office, was called the Grand Defaulter of unaccounted millions (Lord Holland.) He made it his business to enquire into the cause of the general outcry; and after consulting two persons perfectly acquainted in the business, and of high integrity and abilities, (the deputy paymasters) he found that the charge was totally unfounded, and that the fault was not his lordship's, but arose solely from the delay of auditing and passing the accounts in the exchequer. He now stood in the same predicament partly himself; and whether respecting himself, or whoever might succeed him, it gave him great satisfaction to find, that the noble lord (North) had proposed to bring in a Bill for constituting a commission of accounts, because he understood the great object of such a Bill would be to discover the causes of such delay of accounting at the exchequer, and to devise some method which would in future expedite the passing of the account, and compelling the payment of the balances.

This was the part of the proposed Bill which he approved of; and what he disapproved of was the interference of parliament in the expenditure of the civil list. In consequence of the notice given by him on a former day, he had drawn up a motion which expressed fully his own ideas on the subject; and meant to move it, if he had not been precluded by the noble lord's motion on the floor (lord G. Gordon). He had not consulted the

noble lord over the way, nor any other person within or without that House. He feared it was rather disorderly to propose it now, as there were two motions which stood precedent to it; he meant the proposition moved by the noble lord near him, and the order of the day. For his part, he ever thought, and ever should, that the civil list revenue was as much his Majesty's as any estate enjoyed by any person present, which was determinable. The civil list revenue was settled on his Majesty on his accession for life, which was an interest no power on earth could deprive him of without manifest injustice; consequently, that part of the hon. gentleman's Bill, which went to the controul of the civil list, and to an appropriation of the supposed savings to arise from the reform, was an attempt no less unprecedented than fraught with injustice. His Majesty's table, his household, wardrobe, &c. were all to be new modelled; nay, it was intended to have his very table served by contract. This would not only degrade the sovereign, but reduce him to the state of a precarious pensioner, whose stipend was one year lessened, and was the next liable to be still further reduced; and for what purpose? to lessen the influence of the crown. He heard a great deal of the influence of the crown, but he believed influence was never less known or felt, than since the accession of his present Majesty; and he could speak from experience, that he never knew it to have less effect than since the present sovereign came to the throne. As to his intended proposition which he meant to read as part of his speech, he said, he sincerely wished that the sense of the House would be taken upon it, and desired to know from the chair, what was proper to be done in compliance with the apparent sense of the House.

Lord G. Gordon's motion being withdrawn,

Lord *Beauchamp* opposed the discharging the order of the day. He highly approved of the doctrine laid down in the proposition suggested by the right hon. gentleman; and was much pleased at the manly and able manner in which he delivered his sentiments; but he must confess, that he was always averse to meeting abstract questions. The principle contained in the proposition clearly militated against the principle on which several clauses of the Bill were supported:

when we got, therefore, into the committee, would be time enough; there the proposition, and the application of it, might be considered together; and the just distinction taken, between abolishing an useful and unnecessary establishment; for instance, if the office of secretary of state was necessary, the proposition proposed to be discussed by the right hon. gentleman, would be totally idle and nugatory; if it should appear to be useless, which it could not, nor be deemed so by that House, without proof, then it would be a point worthy of consideration, whether a Bill would be the proper mode of proceeding. Upon the whole, he could never consent to give his vote for an abstract question, unless it could be shewn, that it immediately arose from the business then before the House. No person could say that that was the case in the present instance. When the House should go into a committee, gentlemen who disapproved of the clause, would oppose it on such grounds, as appeared to them the most sure and conclusive; some on the ground, that the office proposed to be abolished, was not a useless one; others, that proof of the allegations contained in the Bill were necessary, and a third description perhaps, that parliament had no right to interfere in the civil list expenditure, for any other cause, but that of notorious abuse.

Lord *John Cavendish* could not hear without indignation, the right hon. gentlemen maintain, that parliament had no controuling power over the civil list revenue. If that doctrine were true, then the people of this country, he would maintain, were all slaves. There was a very essential distinction between private property, and that species of interest, persons enjoying public emoluments, had in their stipends, salaries, or stated revenues. Men held private property for themselves alone; places of trust and profit for the good of the state. The rule held throughout, from the smallest and meanest, to the most lucrative and great; it was a condition, from which the tenure of the crown itself was not exempt. Besides, in proper parliamentary language, it was not justifiable to introduce the king's name. It was presumed according to the true idea of the constitution, that no abuse was or could be imputable to the person of the king; if any such abuse existed, it was decent and respectful not to presume, that his Majesty knew any thing of the matter.

It must be solely imputed to the ministers who advised him to create unnecessary places, in one instance, or to retain them in the other. Who then, when his Majesty's advisers neglected their duty, were his real constitutional advisers? Parliament in general. But, say gentlemen, who maintain the other side of the argument; you not only want to reform, but you mean to apply or appropriate, the savings which may arise to the exigencies of the state. You want to resume, or strip the crown of what you have settled on it; and by so doing, you commit an act of injustice. Allowing this argument its full force; supposing that although it may be proper to reform the abuse, we ought not in justice to apply the saving to any other service but that for which the revenue was first granted, namely, the dignity of the crown, and the personal ease and convenience of the sovereign: to this, two answers equally conclusive and full, may be given. If we have a right to reform the presumed abuse or abuses, parliament is of course competent to enquire; for we cannot reform without previous enquiry; and if any saving should arise from the reformation of the abuse, I would desire to remind those who argue for the dignity of the crown and the personal worth of him who wears it, in what light they represent, or rather misrepresent him; when they suppose him totally regardless of the condition of his people; and suppose he would wish to be the only person in his dominions, that ought not to feel, or be affected by the public misfortunes. But, without any reference to the present exigencies of the times, I would desire to know, whether though the civil list revenue was granted in the gross, it was not supposed to be granted for particular purposes, or specific services. If so, then, if any of those purposes are found to be of no further use, or if unnecessary offices have been created, where is the injury? How does it affect the dignity of the crown, or the person of the sovereign, to resume that which was found to contribute to neither.

Mr. Fox said, he could not avoid testifying his fullest approbation, of the very open, direct, and manly language, adopted by his right hon. friend on the floor. He had delivered his sentiments with that firmness and candour which so uniformly characterized his conduct in that House. He thanked him most cordially for the opportunity it afforded both parties to come to issue. It would spare much time, and

infinite trouble. It militated directly against the Bill on the table; for certainly if that House was not competent to enquire into, or controul the civil list expenditure, the Bill was founded in the most glaring injustice. But when he gave credit for the direct open manner in which the right hon. gentleman who suggested the proposition had supported his opinions, he must confess that it involved doctrines of a most alarming nature, and appeared to him, to be utterly subversive of the first principles of the constitution; he sincerely hoped, that before the House proceeded further, they would consent to let in the proposition of the hon. gentleman, and proceed to discuss it; for it would be equally nugatory and ridiculous, to go into the committee on the Bill, till the sense of the House were taken upon that question. It must be first got rid of, before any one clause in the Bill could be taken into consideration. He could not help declaring, that if it should be resolved and determined, that parliament had not a right to interfere, to reform, arrange, and if necessary, to resume the grants they had made to the crown for public purposes; in short, to see to the proper application of the monies they had granted; there was at once an end of the liberties of this country. Such a vote would in its consequences amount to a dissolution of the government as modelled at the Revolution; and would prove a stab given to its very vitals; for though we might continue to assemble in that House as usual; though we might be called upon to vote supplies according to the prescribed forms of the constitution; the right to vote and deliberate without the right to superintend, and controul the expenditure of the money so voted would avail nothing; and we should become as mere slaves in reality, as any in Europe. Give princes and their ministers the exclusive right of disposing of any considerable part of the treasure of the nation without controul or without account; and our liberties from that instant would be gone for ever.

If such a vote should be agreed to by a majority of that House, he should look upon his toils and labours to be at an end; and the people would have recourse to other means of redress, when parliament had precluded all possible expectations through the ordinary methods prescribed by the constitution; they would have recourse to other arguments, than what might be urged in the course of de-

bates in that House, in order to rescue themselves and their posterity from the chains which were forging for them. He would not presume to point out the means the people in this last extremity would resort to; he was persuaded they would be wise, salutary, and adequate to the object proposed to be attained. Should such be the necessity, he never would again enter that House; his presence there would be of very little consequence. He would unite himself with those out of that House, whose sentiments corresponded with his own. He hoped he should acquit himself like a man; and he knew of nothing in his own disposition, which would prevent him from bearing him out with firmness and perseverance in the struggle. He was persuaded the measures adopted by the people would be peaceable; but at the same time suited to the exigencies of the occasion; in such measures he was prepared to co-operate; and he did not doubt but the friends of legal liberty and the constitution would prevail in the contest!

He could not help taking notice of what had fallen from his noble friend (lord Beauchamp). His noble friend maintains the propriety of the proposition suggested by the right hon. gentleman on the floor; but assigns two reasons for preferring the going into the order of the day. The first is, that he is against voting an abstract question, a matter totally improper and unnecessary; the other, lest if it should be voted in the affirmative, the people out of doors might be so far misled, to believe that such a resolution was meant, as putting a negative on the prayers of the several petitions. In answer to the first argument, it was sufficient to observe, that the proposition, as connected with the Bill, was no abstract question; because it amounted to a direct and specific denial of its principle, which was a thorough reform in the whole of the civil list expenditure; and as to his noble friend's caution for fear the people without doors might be misled; surely it could mean nothing more than an exercise of the noble lord's ingenuity. How, in God's name, could the people or petitioners be misled? Could the most factious person, within or without that House, add or diminish a single word, or put any interpretation upon the proposition, but what it evidently admitted? The petitions on the table were not yet declared to be the sense of a majority of that House. He trusted they shortly would; but they were the avowed senti-

ments of the petitions. What did the petitioners say? That useless and sinecure places ought to be abolished; that exorbitant salaries and perquisites ought to be reduced. Where did those evils originate? in the expenditure of the civil list. Where was the reform recommended to take place in? Most clearly, where the evil existed: to argue therefore, that the proposition should not be resolved, lest the voting of it might afford an opportunity of misconception, misinterpretation, or popular delusion, was a farce, and the greatest of all delusion; because it was evident, that if the proposition should appear to be the sense of a majority of that House, it would be a full answer to the petitioners, and a decided opinion on the subject matter of the petitions themselves. It would comprehend one or other of these answers, We are of opinion that your petitions are ill-founded, or we think them well-founded; but our hands are tied up. We voted the civil list revenue for life. By that vote it is become the private property of the crown, as much as any part of your private property is your own. What you seek, is therefore improper in itself; no such reform is necessary, or if it be, it is not in our power to give you any relief. Such being the case, in his opinion, it was those who fled from the question, who endeavoured to impose upon and deceive the people by holding out hopes and expectations, which they never meant to perform; and which if complied with, would be fraught with injustice; and not those, who wanted to come to some specific point, which would tend to inform the people, whether they were to have any redress or not. If, however, the forms of the House would not admit the propositions to be entered into then, the House might proceed in the usual course, and resolve itself into a committee, postponing the consideration of the hon. gentleman's proposition to the next, or some future clause in the further progress of the Bill.

General Conway was much surprized to hear the principle of the Bill controverted in this stage, after notice and leave given, and a first and second reading. The noble lord (North) had signified his Majesty's consent, not only to the Bill on the table, but to bills apparently of much more consequence; to bills for the sale of what might be fairly deemed his Majesty's own private exclusive property. He could not help thinking, therefore, that the argument

of the right hon. gentleman was stretched much too far; when he contended that it would be unjust to interfere in the expenditure of grants originating in that House, when even the propriety of interfering not only in the sale of the private property of the crown, but the appropriation of the sale of that property, was a principle admitted in that House, and approved of by the noble lord in the blue ribbon.

Lord *North* contended, that a message importing his Majesty's consent to the bringing in a Bill, did not amount to a previous approbation of the measure. He thought it his duty to signify his Majesty's consent, and to advise the giving of it, so far as it related to the freedom of parliamentary discussion, but no more; not that he ever approved of the principle of the Bill; for he was ready, whenever an opportunity offered, to oppose the principle whenever it appeared, clause by clause. Besides, though the consent signified what the hon. gentleman presumed it had, he begged the House to recollect, that he had given no consent to the bringing in the Bill now on the table, by way of message from his Majesty. The consent he gave, was as an individual member of that House, the message on which so much stress had been laid, related to the bills respecting the forests and crown lands. He entirely approved of the right hon. gentleman's proposition, and if the House should think proper to enter into the discussion, which he thought at present unnecessary, he would most certainly vote for it. The order of the day was now regularly moved; and he believed, it would be found unusual, to admit a question to be debated, which was supposed to militate against a Bill depending in the House.

Mr. *Rigby* expressed his surprise at the inference, that the message from his Majesty, declaring his assent to the bringing in a Bill, signified an approbation of the Bill; most clearly it did not, nor could. It would amount to an assent given at an improper stage, and of course could furnish no subject of discussion in that House. He said he was much surprised to hear his hon. friend (Mr. Fox) betray so much unnecessary warmth, on account of any thing which might have fallen from him. No person entertained a greater respect for the abilities of the hon. gentleman, than he did. No man was more pleased to have an opportunity to acknowledge them; but he begged leave to assure the hon. gentleman, that he would not readily re-

sign the first place, to any man, who should profess to entertain a more warm and steady zeal for the liberties of his country than himself: and it was with no small degree of surprise and emotion, he heard the hon. gentleman imputing sentiments to him, tending to the overthrow of the constitution. He appealed to all who heard him, whether he uttered a syllable which the most fertile imagination could so interpret. No man revered the rights of the constitution, or would go further in maintaining the rights of the people, in that House, where only in his opinion, they could be constitutionally defended, so long as parliament existed. He would repeat, that the people had a right to petition that House, and each of the other branches of the legislature; but it was in that House alone, the voice of the people could be fairly known, and acknowledged; and from whence it could be surely and safely collected. He remembered a time, when the people as now designed, under the names of the petitioners, addressed the throne to dissolve parliament; he meant about ten years since. He would suppose that a similar petition, had been then or now presented, to that House; would the House be obliged to comply with it? He presumed no hon. gentleman would be so absurd as to maintain such a doctrine; whereas the language of the present day, went that length, or it meant nothing; for if the House had a right to reject any petition, as they most certainly had; the right of discretion could only be limited by the opinion they might entertain on the matter prayed for in such petitions, which fairly brought the argument round, and placed it on the only ground, where it could rest with propriety; namely, that the people had a right to petition, and that House the right to grant or reject, according as it might judge fit or proper. But though the argument was not so strong, or would not bear him out, to the full extent in which he had urged it, he would ask one question. Did the petitions convey the unanimous sense, or the sense of a majority of the people? He had heard the contrary asserted, from several sides of the House; and by persons fully informed on the subject. He would not undertake to say, on which side the truth lay, having no personal knowledge of the facts either way; but this he could affirm, that in the county, where he resided (Essex) though a flaming petition had been presented, he was persuaded, that it did not contain

the sentiments of the fifth part of the freeholders.

The hon. gentleman said, that if the question should be put on his motion, and that the motion should be carried, he would never more enter that House. He could hardly think for the reasons, before assigned, that the hon. gentleman was serious; but should he persist in this resolution, he hoped the particular opinions of any individual, however high or respectable, would never controul or influence the deliberations of that House, contrary to the justice of the cause, and the right of free discussion. For his own part, whatever the hon. gentleman's final resolution might be, if room was made for his proposition, he would move it. He feared that could not be permitted, without coming to a previous division. If not, he should acquiesce in the sense of the House, either by moving it now, or postponing it to some future day.

He could not sit down, without saying a word or two, on the very extraordinary predicament the noble lord over the way stood in, in the character of minister; day after day coming down to that House, in majorities, which hardly deserved the name; for his own part, he never would consent upon any consideration, to give up his own sentiments, or undertake to carry on the business of government, unless he could be sure of a proper and respectable support. When government was sunk and unsupported, the state was in danger; and he thought it full time for the noble lord to speak out, and declare, what he was determined to grant, and what he had determined to refuse; by that means, a great deal of time, which was now unnecessarily wasted, might be saved; and the attention of ministers be directed to the discharge of the functions of executive government, which now demanded the most unceasing assiduities of those entrusted with the exercise of them. The noble lord had talked of taking away all useless sinecures. No man was more firmly of opinion, that they ought to be taken away, than he; but if such a reformation was to extend to persons enjoying offices for life, by which a freehold was legally vested in them, he would most certainly set his face against any such attempt; for as he had resolved to resist any plan, for paring down, weakening, or lessening the prerogatives of the crown, or depriving it of the revenue annexed to it for life so he would be equally tenacious of the rights of the subject. He

had heard reports of extending the reform much further, of a resumption of all ancient grants from the crown, which was what he would never consent to. This had been pointed to the revenues, enjoyed by two noble dukes (Richmond and Grafton); but he would fairly declare, that he would as soon give his vote, for cutting off their heads, without proof of any crime, as deprive them of an inheritance, derived to them through several generations; vested in them by the laws of the land, and confirmed to them by several acts of parliament.

The *Attorney General* conceived the right hon. gentleman's proposition, to amount to no more than a mere abstract question which no man was bound to resolve. If the case stated in that proposition was such, as applied to the Bill, the proper place to debate it would be in the committee; if it did not, if there was no abuse proved, the question would necessarily come to be denied, in the only manner, in which it could be fairly decided. If it should appear, that the possible abuse pointed to in the proposition really did exist, then the question which had been so earnestly pressed by gentlemen on the other side of the House, would amount to no more than resolving that, at an improper time, which it might be very fit to declare at a proper time. He was averse to the discussion of the question, for he could fairly declare, that if it should be put, he did not know whether he could give it a negative, or an affirmative.

Mr. *Burke* begged it might be determined upon, before the House went into a committee upon the Bill. The present doctrine, should it be adopted, went equally to the defeating every part of the Bill, as well as those provisions, which the noble lord had avowed his public disapprobation of. If that was all, if only the fate of the Bill were determined, by agreeing to the right hon. gentleman's proposition, it would give him but very little uneasiness, but it was a principle, which in his opinion, went to overthrow the constitution, and annihilate the essential rights and privileges of parliament. The resolving however, that that House was incompetent to enquire or controul the expenditure of the civil list revenue, would not, though it might be intended to effect it, destroy the liberties of Britain. Debate, it is true, would be at an end, because it could answer no useful purpose. The duties of those, who had struggled

for a long series of years against every disadvantage, that it was possible to conceive against large majorities, public obloquy, repeated defeat, and daily mortifications, would cease; their unavailing opposition would be terminated. The people must do what parliament had refused, or rather what they were resolved not to do, or had declared themselves incompetent to effect; but he trusted, that health would follow. A fever purged off and purified the blood, gave it a more happy circulation, and renovated or corrected a weak or disordered constitution. A fracture properly healed, acquired strength, superior to any other part of the bone. The crown held no public right, or public property, but as a trust for, and under the people. It could gain or lose nothing in truth; because it enjoyed all it possessed, as a favour: and for the attainment of certain defined or implied purposes, which purposes were understood to be good government and the well-being of the state. The prerogatives of the crown, the highest and most transcendent part of its power, were created and ought of course to be exercised for the benefit of the people who created and conferred them. It was therefore to the last degree absurd to draw a line, or separate the private rights of an individual, or any description of man, as held for any other end but for the good of the whole community; every right his Majesty enjoyed, as sovereign, was a delegated right, and consequently subject to examination, correction, and controul. It was particularly of the very essence of that House, to enquire, to regulate, and controul; and whenever it waved, concealed, or suspended that right, when an occasion offered, then most clearly, every object of their meeting and deliberating was at an end; from the representatives of the people, they were no longer the servants of the public, who had sent them there; but the corrupt or servile tools of those, who paid and rewarded them, for their treachery or neglect of duty.

Mr. *T. Townshend* declared himself of the same opinion; said it would be at once insulting the House and irritating the people, to meet and deliberate there, day by day, and night after night, to no manner of purpose; he therefore wished to discharge the order of the day, and let in of course, the proposition suggested by the right hon. gentleman; for if carried in the affirmative, it would at once amount

to a full and explicit answer to the petitions on the table, as well as to the people of England at large; on the contrary, should the proposition be negatived, that House would know the ground they stood on, and their constituents might have just reason to expect a redress of the grievances they complained of.

Mr. *T. Pitt*, after stating the necessity of coming to an immediate determination on the subject, observed, that the ministerial side of the House were apparently afraid to meet the question, in the shape it then presented itself; though they were not ashamed to acknowledge that they approved of it; and that they intended to support the principle, asserted in that proposition, when the House went into a committee. He would affirm, however, if the right hon. gentleman's proposition should prove to be the sense of that House, that the government of this country would be as tyrannical and despotic as any in Europe.

Mr. *Dunning* considered the proposition, as involving in it a question of constitutional law. He denied, that the King possessed any part of his revenue, as a private or distinct property; because if he did, he might employ it to any purpose whatever. The uses to which it was employed, clearly marked out, that the disposal or expenditure of it was within the controul of parliament. The reason was obvious; it had been given by parliament. It was a parliamentary grant, involving in it a trust; consequently, that grant implied a controul, incident to any other species of trust whatever, namely a power to see, that the trust was faithfully discharged, which it was impossible to determine, without enquiring into the expenditure; and equally impossible to enquire to any good purposes, if the power to enquire was not accompanied by a power of controul. To talk, therefore, of the injustice of enquiry, without proving some abuse, was as ridiculous as to say, that a man ought not to be punished for the commission of a crime; but that it would be unjust to try him, till you had proved his guilt. He seemed to doubt, whether the right hon. gentleman wished to have the sense of the House taken upon his question. If he was sincere, he had every reason to believe that he would find himself fully gratified; because in that case, he was persuaded, that the minority of the House, in that single instance, would suddenly become the majority.

Mr. *Rigby* said, whatever doubts might be entertained of his wish to bring his proposition before the House, in the shape of a motion, he had none himself; for he could fairly declare, that as he would not be bullied by one side of the House, so he was resolved not to be cajoled or flattered out of it, by the other.

Mr. *Mansfield* concluded the debate on this question. His arguments were rather of a novel kind. He said, that the civil list revenue belonged to the King, and was very properly appropriated to his private use; and that it belonged to the people, because every thing which was possessed by the crown, was held for their benefit. His Majesty held it for himself, for the people, and that House. [A loud and incessant laugh, for upwards of a minute, and a general cry of hear him! hear him!] Notwithstanding the noise and tumult on the other side of the House, he would repeat his expression, that the civil list revenue, though applicable to the use and benefit of the sovereign, was nevertheless, in another point of view, held for the benefit of the whole community at large. In short, he was clearly of opinion, that the civil list revenue, being an investment made for the good of the nation, and applicable in particular, to the maintenance of the dignity and splendor of the crown, no diminution could be made, which would not prove injurious to the people.

About nine o'clock, the question was put on the order of the day, as moved by lord *Beauchamp*, and the House divided: Yeas 205; Noes 199. Mr. *Rigby* was the only ministerial member who voted in the minority.

Debate on the Clause of Mr. Burke's Establishment Bill, for abolishing the Office of Third Secretary of State.] The House then resolved itself into a committee on Mr. *Burke's* Bill, Mr. *Elwes* in the chair. When the chairman came to the words in the first clause, for abolishing "the office commonly called, or known by the name of third secretary of state, or secretary of state for the colonies,"

Governor *Pownall* suggested an amendment; observing, that the words were not sufficiently descriptive, for the description should be simply that of third secretary of state.

Mr. *Burke* had no objection to omitting the words pointed out by the hon. gentleman. He had adopted both descriptions,

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lest one or the other singly, might appear untechnical, or not descriptive of the office, proposed to be abolished.

Lord *George Germain* observed, that the clause as first worded, was not descriptive of the office, which he had the honour to fill, for it was neither that of third secretary of state, nor secretary of state for the colonies; but "one of his Majesty's principal secretaries of state." He wished most sincerely, if the committee should determine to abolish any one of the three offices, that it might be the one he had the honour to fill.

The clause being amended agreeably to this idea,

Lord *Beauchamp* rose, and made a long speech, in favour of the office, and against the clause. He maintained, that that House had no right to interfere in the expenditure of the King's civil list revenue, upon any other ground, but that of gross abuse previously proved; and even then, consistent with the special positive and vested rights, accruing from a legislative act, he doubted much, though it might be legal, whether it would be constitutionally legal, to take from the crown by act of parliament, what clearly belonged to it. Most certainly, if abuses were proved, it was competent to that House to point out to their sovereign, the proper mode of removing, and correcting them; but in his opinion, that mode was not by passing a law of resumption, which should never be resorted to, but in cases of the last necessity, when every other means had been tried, and had been unsuccessful.

But supposing it was right for parliament to interfere upon motives of public œconomy, another question would arise, whether the object to be attained, namely the saving proposed, was of sufficient magnitude to justify that House in suppressing a useful office? For it must be deemed a useful office, till the contrary were proved. He wished gentlemen to consider what the present Bill went to. This clause formed but a part, and a very small part; but if the propriety of the present clause should be determined, the same principle would spread itself through every other part of the Bill, and be extended to all the branches of the royal household, and into the domestic arrangements within the palace itself.

But presuming the Bill to be formed on the sentiments contained in the petitions, would any gentleman venture to declare, that the office was a sinecure; that it was

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attended with exorbitant fees, perquisites or emoluments; that it was a heavy, expensive establishment; or, that it was the source of much influence in that House. He believed no man would assert it was. But gentlemen may say, it is useless and unnecessary. If that be their argument, let them shew to the committee that it is so; let not assertion pass for proof; and mere opinion for argument. When they have satisfied the committee of this, will it not be incumbent upon them to demonstrate the right as well as expediency of resuming the grant made to his Majesty, on his accession to the throne; and which he received as an equivalent for an ample revenue, which, as sovereign, he was entitled to enjoy? And will they not be called upon to shew, that the reform is not only just and necessary, but that the mode proposed is the best? He had no doubt but he should hear it much insisted on, that should the office be abolished, it would be no innovation; that it was but of modern date; not more than ten or twelve years standing. He begged leave to give two answers to the argument. First, that there was a third secretary of state, so early as Edward 6, that there was a third secretary, for several years, during the late reign; so that the office was not a new one, but an old one, recently revived; and though it were not, he was clearly of opinion, that it would give rise to a most dangerous precedent, as it would go to establish this maxim; that the legislature were the only proper judges of the detailed exercise of the executive power. The principle would affect every establishment already made, or which might be hereafter made; in short, it would divest the crown of one of its most valuable rights and prerogatives, that of discharging the duties vested in it by the constitution; the right of judgment, in what manner those duties could most faithfully and effectually be discharged.

Mr. *T. Townshend* observed, that the Bill, and of course the clause before the committee, both led to the same point, the lessening the influence of the crown, through the means of abolishing sinecure and unnecessary places, exorbitant salaries, &c. and at the same time, applying the savings to the exigencies of the state. It would be necessary, therefore, to consider the object of the Bill, as to its proposed result, and the several considerations, which, collected together, constituted that result; for though they were con-

nected in that light, they were not so inseparably connected, but one object might be attained independent of another. The first great consideration was, the lessening the influence of the crown, which had enormously increased of late years; and particularly so, since the accession of his present Majesty. Hence the great source of all our present evils. Stop up or cut off that great source, and every part of the political machine would perform its wonted functions. How was this to be effected? By abolishing the means of that influence; by abolishing the establishments that created it. The present circumstances of this country, made it likewise necessary to appropriate the annual sums thus lavished, in effecting improper purposes, to the relieving people of part of their burdens, which that influence complained of, had been instrumental in imposing.

His noble friend had laid great stress on the generosity of the crown, on his present Majesty's accession, in contributing to lighten the burdens of the people, by giving up the civil list revenues, or duties, and taking in lieu thereof the stated sum of 800,000*l.* per annum. This was a plausible argument, and might be easily refuted, combining all the circumstances existing at the time, and subsequent to that transaction. During the whole reign of the late king, he never came to parliament for assistance, but once; and that immediately after a most dangerous rebellion, carried from the extremity of the island, into the very bowels of the kingdom. It would be totally unnecessary to enter into arguments to prove, that such a season as that of rebellion, and a rebellion, too, which more immediately affected the sovereign on the throne, being directed to the expulsion of himself and family, in favour of a Pretender to the crown; that very great and uncommon expences must have arisen; many of which, from the nature of the government, must have been drawn from the civil list. Yet under those peculiar circumstances, his majesty, after reigning twenty years, desired no more than 450,000*l.* not as a free grant or gratuity; but merely as a loan, which was to be repaid; and Mr. Pelham, when he delivered the message to the House, assured it, that the civil list expences should be retrenched, and for what purpose? For the repayment of the money then proposed to be drawn from the sinking fund; and for which, as a further and

positive confirmation of his intentions, he proposed that the civil list revenues should be mortgaged. There was a peculiar circumstance too, which attended this transaction, which was, that what was deemed a favour, might be well urged, as a rightful demand; for it was not a grant over and above the 800,000*l.* granted on his then majesty's accession; but to make up the deficiency between the duties appropriated to the payment of the civil list. Such was the conduct of the ministers of the late king. His majesty never afterwards came to parliament to have his debts paid. The royal family daily increased. There was the prince, and afterwards the princess of Wales's household. There were several other branches of the royal family then alive. His present Majesty's establishment, for the four or five last years, as prince of Wales; the whole amounting to an expence unknown before or he believed since; and yet when the late king died, there was a sum of upwards of 170,000*l.* due to him from the public; and even including the whole of what he received, the average amount of his annual receipts did not exceed 815, or 813,000*l.*

What was the state of the civil list revenue, since the commencement of the present reign? His Majesty agreed to take 800,000*l.* in lieu of the revenue appropriated to the maintenance and support of the civil list. He highly approved of the conduct of those who advised his Majesty to do so. They were wise and able counsellors. But what was given up? He believed, no more at the time, than about 30,000*l.* a year; the duties having so far increased towards the conclusion of the late reign. This was an object of consequence, it was true; but it would be necessary to state the advantages which were derived to the nation; and he was sorry to say, that they turned out nothing, or worse than nothing. After a series of two years war, and five years peace, the noble lord in the blue ribbon came to parliament, to demand the sum of 513,000*l.* or an average sum of nearly 80,000*l.* per annum. And upon what pretence? A most fallacious one; that the 800,000*l.* settled by parliament, was inadequate to the discharge of the necessary expences of government; and that the King's distress solely arose from his improvident generosity, that of giving up a sum equal to that amount of his income. Now, the fact thus stated, he would maintain was founded in fallacy. It was true, that the

Post-office Act of the 5th of his present Majesty, and some commercial regulations, passed subsequent to the Civil List Act of the 1st of his present Majesty, had augmented the duties to upwards of 870,000*l.* per annum, on an average of the preceding seven years. But then, those duties and taxes were clearly parliamentary grants, applied, and to be appropriated to the public purposes, and could be deemed no more to belong or pertaining to the crown, than any other duty, tax, or impost whatever laid on as a security to the public creditors. In fact, they had been regularly, and fully appropriated before this first requisite was made.

So far for the claim of the crown in the first instance. In eight years after, the same noble lord came again to parliament for the sum of 618,000*l.* to discharge the debts of the civil list upon the same flimsy pretence, and upon the latter occasion, had the modesty to ask for an additional sum of 100,000*l.* a year. In both cases, then, the ministers of the crown had falsified their own words with the parliament, and had broken the condition on which the sovereign's word was pledged to his people; and even had the effrontery to refuse to give any assurance, that it would not be necessary to come to parliament for a further addition whenever the prince of Wales should arrive at years proper to fix the establishment of his household. Thus, in the course of 14 years, his Majesty had received from parliament, over and above his stated revenue, the enormous sum of 1,131,000*l.* while George 2, in the course of a reign of 32 years, received not a single shilling more than his stated income, after allowing for the deficiency of the duties, and of course the funds which composed his revenue, and attended with this further additional circumstance, that the expence of the different branches of the royal family were upon an average greater during the former period, than the latter; besides, he believed, it was well understood, that his Majesty contributed several very considerable sums, to support the first continental war made in support of the House of Austria. If this plain, undisguised state of facts did not contain the most unquestionable presumptive evidence of the influence of the crown, he meant the diverting its revenues to purposes which dared not be avowed, in corrupting and influencing the members of both Houses of Parliament, it would be vain to resort

to other arguments. If, then, this unnecessary increase of revenues was the true source of the increased influence of the crown; and if this influence ought to be reduced within the bounds prescribed by the constitution, the necessity of the public reform and national œconomy, which was acknowledged by his noble friend, and every other person who spoke on the other side, would lay so immoveable a basis in support of the measure, and in compliance with the wishes of the people, as could not be shaken by any argument however plausibly or artfully urged.

If the principle of the Bill, and the objects as he had described them, that of reducing the influence of the crown, and promoting public œconomy, were incontrovertibly proved; all that remained to be done in his opinion, was to apply the principle so established to the particular clause before the committee. What did the clause import? The abolishing an useless office, that of a third secretary of state. Here the matter lay within a very narrow compass. It was a new, and he would add an useless office. He did not mean to controvert the facts stated by the noble lord, that such an office existed so early as Edward 6, or that it was revived during the reign of the late king; for both facts afforded sufficient proof that the office was discontinued, because it was discovered to be useless. The point before the committee related merely to the question of inutility. There might have been five or a dozen secretaries for ought he knew or cared, in former times. There were a number of great offices which had long ceased to exist, which that mode of arguing would justify the revival of. The committee had nothing to do with that. What they had to consider was the utility of the office; the influence the abolishing of it would take away, and the money it would save. All he could say was, that the country had raised itself to the utmost pitch of national glory, that our possessions had been extended to every quarter of the globe, that our colonies had risen to a degree of wealth, power, and population, unknown perhaps in the annals of any other country under the sun; and that, when we had no more than two secretaries of state. A third was however appointed, and from that instant the picture was completely reversed in all its features. We had lost those very colonies, and with them their trade; we had been disgraced in the eyes of all Europe,

and were now threatened with ruin on every side.

The noble lord in the blue ribbon had said, that there were sinecure and patent offices in the exchequer, which stood exactly on the same ground with the civil list revenue; they were granted for life, and vested in the possessors: but, says the noble lord, if the grants made to the crown of the same nature be resumed; so ought the salaries derived from sinecure places, as well as all others of that kind. He had little reason to doubt whence the various paragraphs that appeared in a certain morning paper originated, in which this doctrine was announced, and the propriety of carrying it into execution expressly maintained. Those who paid for the insertion of those paragraphs best knew whether the persons who supported them in that House were likewise the authors of them in print. He among others had not escaped the scurrilous attacks of those concealed calumniators. Those enemies to truth said, that he possessed a teller's place in the Exchequer. The noble lord, if that was a crime, could he believed, exculpate him from the charge. Every person who knew any thing at all about the matter, knew that such a place was held by his father; but if he should now rise to give an opinion whether it would or would not be proper to abolish the teller's places, he should expect to see himself misrepresented through the same vehicle of ministerial abuse, without a possibility of escaping censure. If he disapproved of the proposed abolition, it would be immediately imputed to him, that he was very ready to deprive his sovereign of an estate for life, in the civil list revenue, but was alarmed, when the same reform threatened his own interest in the place held by his near relation, which was his property, as much as if actually in his own possession. If on the other hand, he should declare his opinion, that the place of teller ought to be abolished, the cry would be equally strong. It would be said, that either he had no interest at all, or if he had, it was very trifling or precarious; for it depended merely upon the life of an aged person, who in the common course of things could not long continue to enjoy it. In either point, therefore, he thought it more prudent to be silent; but this he would say, whether it might or might not be proper to abolish the place of teller, he was clearly of opinion, that the interest held by the present

possessors, by no means partook of that species of tenure, by which the crown held the revenues of the civil list.

Mr. *Jenkinson* contended, that the influence of the crown, so far from being increased, had rather been on the decline; but that whatever it might be, it had not been exercised to effect the purposes on which the present Bill was supposed to proceed: that allowing its existence to the extent to which it had been contended, that House was incompetent to interfere, or controul its expenditure: that that House was not obliged to attend to the petitions of the people, further than the sentiments contained in them accorded with their own judgment: and that supposing the petitions were right in praying for the abolishing all useless places, the office proposed to be abolished did not come within that description.—To shew in general that the influence of the crown had not increased in point of revenue, or any collateral cause, he contended, that his present Majesty gained nothing by the two extra grants made by parliament, in 1768 and 1777; for notwithstanding the ingenious distinction taken by the hon. gentleman who spoke last, he was perfectly well founded in contending that the duties arising from the post-office, unless otherwise understood, at the time belonged to the crown as part of its inalienable revenue. The Post-office Act was, besides, an act of regulation. If the crown possessed the post-office duties at the time, parliament could not interfere, unless upon the idea, that the crown was already in possession of a revenue fully adequate to its outgoings; consequently, that not being the case, it could hardly be presumed that parliament would interfere, and take away, or resume what they must know it stood in need of. Parliament immediately after the Revolution settled a revenue of 700,000*l.* a year upon king William; and there was not a gentleman who heard him, who from his own experience was not fully persuaded that 700,000*l.* ninety years ago, was not much more than 900,000*l.* a year at present. Indeed, he might appeal to many present, whether within the last 30 years alone, the price of all the necessaries of life was not increased nearly in that proportion.—It was become customary with gentlemen on the opposite side, to represent the reign of that prince as the purest model of imitation to the present times, and to extol that prince's private and political virtues: and he believed with

a good deal of justice. He was a prince who possessed many great and useful public virtues. But when he said this, he begged gentlemen would take the whole of the reign together, and likewise the whole of that prince's political conduct, and by comparing facts, judge fairly. He wished they would decide impartially, and declare whether they believed king William would submit to have that revenue resumed, which had been once settled upon him by act of parliament? From the circumstance he was going to relate, he had every reason to believe he would not. In the early part of that king's reign, the civil list revenue was granted only from year to year. He found the great inconvenience of this dependent situation, in which he was in effect deprived of any will of his own; because those who chose to ask, had the power of compelling him to acquiesce, by withholding the grant of the civil list revenue till they had gained the point they wished to obtain. It was upon this occasion, that that prince was heard to declare he was not king, or but an annual king, till his revenues were settled upon him for life, and threatened in case they were not, to abdicate the crown, and retire to Holland. The misfortunes which must have been the consequence of such a succession, induced the parliament to make a grant of the civil list revenue on him for life. Apply that fact to the arguments used in support of the present Bill, and the case was, if possible, much stronger. For here the grant was for life, but the resumption proposed went to leave his present Majesty nothing which he could safely call his own. This year such a reform was necessary; the next year another reform might be deemed so: in short, no man could pretend to say, where this rage of public reformation might stop; for plausible reasons would never be wanting, and in fine the king for the time being, instead of exercising his independent legislative power, as one of the three branches, would probably be reduced to a precarious pittance. He would, in truth, be no more than the shadow of a king. He would be a pensioner indeed of the lower class, and must at all times submit to whoever might hereafter lead the majorities of that House.—Much stress had been laid upon the presumed œconomy of the last reign; upon the greatness and goodness of the late king, and among other virtues, his frugality had been much insisted upon. No man was more

ready to pay the just tribute of praise to the late king's memory. He was persuaded that he was a good and magnanimous prince, but when he said this, it was his duty as a subject, as a member of that House, and a servant of his present Majesty, to affirm that he was second to none of his predecessors in all the virtues, all the amiable and great qualities which adorn a prince; and he believed his own knowledge would bear him out in the assertion, that the influence of the crown was not increased since the accession of his present Majesty, or if it was really increased, that its exercise had not corresponded with the means.—He knew not well what was meant by the loose, general description of the influence of the crown. It might mean any thing, or every thing, or nothing. He believed, in a pecuniary light, that the means of influence according to the decreased value of money between the present times and the Revolution, were not increased. He was persuaded in another point of view, they were or could not, for he was satisfied, independent of other circumstances, considering the numerous family his Majesty must necessarily support, that 900,000*l.* now, was no more than equal to 800,000*l.* and upwards during the late reign. There was the constant household of the Queen: there was the prince of Wales's household, and a suitable provision to be made for the young princes; and he left it to gentlemen to judge, whether under all these circumstances, 900,000*l.* afforded any further sources of pecuniary influence, in the year 1780, than 800,000*l.* did forty years ago.—But independent of mere matter of opinion, he would appeal to one of the branches of influence, and much the greatest vested in the crown by the constitution, that of creating peers. He would call it a constitutional influence, and he would acknowledge it to be very powerful in its effects. Yet, how had this been exercised since the accession of his present Majesty? That after six years, in 1766, the number of peers were the same as in 1760, when his Majesty ascended the throne; and that since that period to the present time the number of peers were less by three or four now than in 1766, and of course in 1760, at his Majesty's accession.

Mr. *Burke*, in answer to what had been said by the Attorney General, concerning the injustice of punishing the abuse of the expenditure of the civil list without proof, and to what had been said rela-

tive to the same subject by lord Beauchamp, took a distinction between the judicial and legislative capacity of parliament. In the former, they were without doubt to proceed in all cases upon legal evidence. In the latter, they had a right, and it was their duty to make whatever regulations they judged necessary for the preservation of the constitution. He reprobated, in the strongest terms, the doctrine, that there was no difference between the King's property in the civil list, and private property. The King was only a trustee for the public. Property and subjects existed before kings were elected, and endowed with a portion of the former for the protection of the latter. And shall the servant, the creature of the people, be represented by treasonable subjects, by false and pretended friends, as claiming an inherent, self-created, original, and divine right in the voluntary grants of that people for whose good he received it, and for whose good it may be resumed? This is the very quintessence of Jacobitism. It is not Toryism, but Jacobitism. Tories lean, indeed, towards monarchy; but still they profess that the monarchy to which they lean, is a monarchy limited within certain bounds by the law, and controulable by the constitution. Jacobitism elevates kings into the rank of gods, and contends, that the people were made for them, not they for the people. But it is doing Jacobitism injustice; that Jacobitism, at least, the remains of which we have seen in this country; to compare it with the doctrines we have heard this day; for there is something generous in a steady attachment to the persons of a royal family in distress, and the compassion of the heart makes amends for the errors of the judgment. But in the present times, in this enlightened age, in this country, and on this occasion, to avow such theories of despotism, is something worse than Jacobitism. It is Jacobitism sublimated and refined into a detested system of the most humiliating slavery. He did not agree with the noble lord, that work is always performed with greater expedition by many servants, than by few; for one trusts to another; he devolves the labour on the shoulders of his fellow-servants, and finds means of eluding censure for not doing his duty. A groom becomes the favourite of his sporting master: he gets an assistant for his conveniency; the assistant becomes the groom, and he himself

is straightway advanced into the sinecure place of master of the horses. The new groom gets Tom to clean the stable; Tom grows very handy, and then there is no doing without Tom. I wonder, says every body, how he could do so long without Tom! The thing happens, Sir, in higher departments; even in the highest office of state, there are useless supernumeraries. Sir, I must here call the late earl of Suffolk from the dead; though I am convinced that "even if one should rise from the dead," there are some who would not, on this subject, believe his testimony. Lord Suffolk was a man of honour; he would not have sat a year in his bed-chamber resting his legs, afflicted with the gout, on his green box containing the papers of his office, at the same time have held the place of Secretary of State, if he had not been convinced in his conscience, that the business of the state would be very well managed without his assistance. Nay, after he was dead, his office remained with him. The third secretaryship is already extinct; it was deposited with the corpse of lord Suffolk, in a superb cemetery. Its funeral obsequies were performed on the occasion; it was laid aside with that pomp which became its pomp; ensigns, scutcheons, flambeaux, &c. A successor, after an interval of a year, was indeed appointed to him. But if you ask the reason, no other can be given than the Irishman's; the other two secretaries were doing nothing, and a third was appointed to help them.

It had been urged with great seeming weight, and affected plausibility, that the office proposed to be abolished, by the present Bill, would be productive but of very trifling saving, a few thousand pounds. Granted; but every plan must have a beginning, and every great plan must consist of several parts. If the whole of the Bill was meant to consist but of this clause, the argument might have the appearance of an answer. Was that the case? He presumed not. It was but a single object, among many others, of great consequence. And he begged gentlemen would look to the aggregate, or sum total, and not to the items of which it was composed; but trifling as the sum might appear to the gentlemen on the other side of the House, it would pay a regiment of cavalry; if not, at least it would a regiment of infantry, which alone was an object of concern in our present state of national distress. But it was not even the

expence, but the mischief that had arisen from the establishment of that office, which had thrown the empire into all the miseries of a civil war; which had lost us America, and brought us into a contest with our powerful and inveterate enemies, which last circumstance threatened us with ruin, almost inevitable. This office was established, or raised, for he cared not which, in the year 1768, on purpose to introduce a noble lord in the other House, the earl of Hillsborough, into his Majesty's councils. What was the consequence of that appointment? The very circumstances he had been alluding to. That noble lord, as the very first act of official power, wrote his famous circular letter to the several colonies, assuring them that no taxes would be laid upon them. He had endeavoured to deceive them. The noble lord in the blue ribbon, in five years after, introduced a Bill into that House for taxing them, or a conciliatory proposition, as he called it, as the intended basis of a law for that purpose. The people of America saw by this, that they could have no reliance on ministerial promises, not even on the word of the King, whose name had been prostituted in so shameful a manner; even in one instance, so far as to assure the assembly of Virginia, that he no longer wished to govern them, than he should preserve his word inviolate with them as to the promise he then made.—He then entered into a short view of the American war, and of the American secretary. Was extremely severe on the late appointment of lord Carlisle, as he considered the office of first lord of trade, merely as a sinecure place, which he called the idle labour, or laborious idleness of modern office; and concluded by observing, that besides the actual saving to the public, and the lessening the influence of the crown, the business transacted in the respective offices of Secretary of State, united again, as it had formerly, would be better executed by fewer hands.

Mr. Dundas said, that he would avoid all speculative arguments and extraneous matter, and confine himself to certain land-marks fixed in the constitution, and to the experience of near a century; during which period we had been a free and happy people. The constitution was settled and defined more precisely than it had been before at the Revolution. Before that period the civil list had been voted to the kings of England, without any speci-

fication of what part of it should be applied to the maintenance of armies or navies, and what to the support of their household and civil government. At the Revolution, this evil was remedied, a certain sum was appropriated to the defence of the state, and a certain sum to the king, to which he had as good a right as any individual could have to his private property. For whether you call the king trustee, servant of the public, or sovereign, he was an hereditary monarch, and inherited the rights and property of his predecessors by as firm a right of inheritance as any, by which any gentleman in that House laid claim to the estate of his ancestors. If, then, the king had not violated the limitations fixed to the exercise of the royal prerogatives at the Revolution, it was not in the power of parliament to deprive him of his just and constitutional rights and property. He said, the noble lord near him was not a violent minister; he had often heard him accused, without doors, of being too remiss in the exertion of ministerial influence. He said, that all history was full of vain clamours against the influence of the crown; and asked why, if the influence of the crown was so excessive, the minister carried his questions by so small majorities? He advised parliament to beware of establishing precedents that might endanger all private property; insisted that it was incumbent on those who wished to deprive the King of his civil list, to give some explanation or other, suitable to their designs, of that act of parliament, which conferred it on him; that if the King had saved 100,000*l.*, and laid it in the hands of his banker, they might with equal, nay with greater justice, have seized it then on the plea they advanced now. If he laid it out in building, or other amusements, they would not have pretended that it was misapplied, much less ought they to find fault with him for employing it in the service of the state. He recommended gentlemen to reflect seriously on the consequence; and how far such a wild, injudicious rage for innovation might be extended, if all parliamentary grants would be resumed; particularly in the case of two noble dukes alluded to early in the debate, (Richmond and Grafton); for in his opinion the doctrine was extensive to all grants of every kind. If gentlemen were prepared to say so, let them directly come to a vote upon it; though for himself, he must say, as

he was against voting any part of his Majesty's revenue away, he would be equally averse to touching private property, legally and equitably enjoyed, for so many generations.

Lord *George Germain* gave the history of the office of third Secretary of State; shewed that the abolition of it would only be a saving of 5,000*l.* at most; said that king William, the guardian of the liberties of mankind, had complained that he was not an independent king, before he was endowed with an independent revenue; asked why parliament, if they thought the King should be dependent, had made a settlement on him for life? Why did you not feed him from hand to mouth? With regard to the offices of Secretary of State, if one of them must be abolished, he wished it might be that one which was held by himself. He added, that the King's revenue was his private and exclusive property; and as much his as any property enjoyed by those who heard him. He believed it would sound extremely odd in the ears of any gentleman present, if told by a person, "You must eat by contract; ride by contract; you spend too much: it is true, you are not in debt, but that signifies nothing: you can live upon such a sum, by retrenching such and such expences; and the residue of your income shall be applied to the service of the state." The present Bill went fully to that length; and if applicable to the civil list expenditure, was equally applicable to every individual in that House and out of it.

Mr. *Fox* said, he should not be deterred by the lateness of the hour [near one o'clock] from going fully into the debate. It was on a subject the most important and interesting; and if he should detain the House ever so late, he should not think that he stood in need of making an apology. In the first place, he could not but be surprised to hear so much said against the abstract proposition suggested by a right hon. gentleman, who had so frequently been alluded to in the course of the evening. There was nothing he wished for more than for the House to come to a determination upon that great constitutional question, whether they were competent or not to interfere in matters that respected the King's civil list? It was a point upon which men's minds seemed to dwell, and in the issue of which the whole nation was so essentially concerned; he could not for one, but wish most heartily to have it before the House in a debateable

shape, and decided upon as soon as possible; and, indeed, he should have liked the right hon. gentleman (Mr. Rigby) better than he did; he should have thought him more fair, and the justice of the people better dealt with, had he taken a proper opportunity, as he surely might have done, of submitting the question, of which he professed himself so warm an advocate, and not have started it to the House, at a time he knew it could not be moved regularly, nor decided one way or the other.

But the right hon. gentleman impressed the principle of the resolution he had broached, and the principle was to pervade the whole Bill; so that when any clause came under discussion, it was to operate against it, as if the principle really had been accepted of by the House. Gentlemen did not like abstract propositions, and a noble lord (Beauchamp) reprobated speculative questions, because they did not like unparliamentary proceedings, and because those questions were only made for the purpose of being spread abroad to let the public know what the House was doing. Was it possible to conceive any thing more shameful and absurd! For his part, he declared, and he took a sort of pride in declaring it, that he wished to have those very abstract propositions decided, and that for the purpose of letting the people of England know what they had to expect; and he was resolved to use every means in his power that the public might know what the House did, and what the members individually did, in order that the people might understand properly, as they ought to do, who were to be trusted, and who were not. But gentlemen shrunk from the proposition respecting the King's civil list; they were afraid to meet it; and even the boldest of the ministerial phalanx were afraid to hazard it, though some of them had not scrupled to adopt the principle, and to support, in their speeches, that the House had no right to interfere in it. Good God! had he been asleep! how had he been lost to himself! to what little purpose had all his education, his knowledge, and his experience been attained, if that was really the fact! But, surely, it would never be a doctrine established in that House, that the king was to be untroubled in his civil list. Did men know what they were asserting when they held any such language? Did men really see no danger in it? Or were men so truly ig-

norant or so lost to the will of others, as not to know, or knowing, not to stand up and fairly tell the House, that they were competent to the purpose, and that the King was only a trustee for the people, and liable to have his accounts inspected by parliament. Had not such a practice been the uniform practice of parliament? How was it with James 2? Had not that unhappy king, who preferred a wretched, miserable pension from the court of France, in preference to the law of his subjects on constitutional grounds, his whole revenue taken from him?

He was amazed to hear any opposition made to so plain an axiom, a power so rooted in parliament. For had the present king any hereditary right? Parliament, indeed, had made him the successor to the throne, but hereditary right he had none. He was, as an hon. friend near him (Mr. Burke) had declared, the mere creature of the people's instituting, and held nothing but what he held in trust for the people, for their use and benefit. Could gentlemen, then, think so absurdly as to conclude, that the King's civil list revenue was given to his Majesty to expend just as he should think fit? No, it was given him for the service of the public, and the people's representatives had at all times a constitutional authority to enquire into the expenditure of that allowance, to reduce it, and, indeed, to take the whole of it, or in other words, to resume the whole of it into their hands again, whenever the abuse of it, or the exigencies of the times should require it. The King, it was true, was the sovereign of the people, but the King was to hold the crown only as long as the people should choose. This, he trusted, he might advance without offence. He felt himself warm, and he knew it. But he trusted he was neither unparliamentary, nor disorderly. He again asserted, that the King was no longer king than while he should be found to wear the crown for the good of his people, for that all power lodged in the crown, or elsewhere, could only center in that one great and fundamental point.

It was a certain maxim, however, laid down, and there were those preposterous enough to support it, that touching the King's civil list, would be meddling with private property. This he absolutely denied. But admitting for a moment the fact; was that not often done, when the good of the public called for such a sacrifice? In making turnpikes and new

roads, was not private property meddled with? and did not parliament do it every week in the course of the session? And why was not the private property of his Majesty, if the King's civil list really was private property, to be curtailed, when the necessities of the state called upon parliament to do it?

The influence of the crown had been said to have arisen, not from any increase of the civil list, or an improper use of it, but from the large augmentation of the navy and army; and gentlemen were not, with a candour he did not wish to imitate, to ask the side of the House on which he ranked, why they would attack the civil list to reduce the influence they complained of? He was aware of the subtilty of the reasoning, and was ready to meet it. The naval and military arrangements, however extensive, were insisted upon as necessary. They naturally brought a prodigious influence with their establishments, and yet they were not to be lessened. How then was parliament to check the influence of the crown? Not by reducing the navy, or the army, for they were requisite and natural influences. What way, then, was there to narrow that influence but by striking off part of the civil list? Parliament had no other way of doing it, they had no alternative; they were to reduce the influence in a manner within their power, and they had no other mode of getting at it but through the civil list.

An hon. and learned gentleman (Mr. Dundas) had denied the influence of the minister to be greater than heretofore, because his majorities in parliament were not larger than the majorities of other ministers. The majorities of the present minister were become very small indeed, but the learned gentleman did not see the true cause. It was not because the minister used less influence than he had done, but because gentlemen saw better than they used to see; and if he was to estimate the degree of corruption and influence of the minister, by the size of his majorities, he was inclined to believe that he would soon have reason to think him very virtuous and poor indeed. If, however, the learned gentleman meant, when he said the minister used no influence, to confine it to his conduct of the present day, he would cordially agree with him, for he had, indeed, used none. When the right hon. gentleman near him (Mr. Rigby) threw out his favourite resolution, that the House could not interfere with

the King's civil list, the noble lord used no influence to make the House accept it. No, the minister shrunk back to his native modesty, and left the House to their own choice. Nay, the right hon. gentleman himself, who wishes so ardently to put the question, had exercised as little of his power. Though he wanted the question put, he had used none of his influence: he had left his friends and relations to themselves, and to vote for the order of the day, by which the possibility of putting his resolution was all at once done away. Even the right hon. the deputy paymaster, (sir T. Caswall) had at length voted against him, and yet so little disposed was he for using any influence, he dared to swear he would readily forgive him. He trusted he should not find him turned out of office for it, but that the thing would be considered with all that perfect candour, liberal sentiments, and ready reconciliation, so congenial to the right hon. gentleman's mind.

But to speak seriously, was there really no undue or unconstitutional influence? Was there not a monstrous influence that pervaded every department of state? How happened it, that such a scandalous dismissal had taken place of the lords lieutenants? Had not the influence of the crown been harshly used in that respect? The marquis of Carmarthen and the earl of Pembroke had their lord lieutenancies taken from them, and for what? Why, because the noble marquis had written his sentiments on the York petition, and the other noble peer had presumed to vote agreeably to his conscience in parliament. In time of peace some reason might be offered, or some pretext set up, for the removal of lords lieutenants, but to make such dismissions when we were at war, and the militia might every day be wanted for service, and to make noblemen of the first and oldest families in the kingdom the objects of such dismissal, was, in his opinion, a plain and open indication, that the army was to be employed in a way in which it ought not to be employed.

Some gentlemen had asked, was there any proof to be adduced that there really existed any undue influence of the crown? As to proving an undue influence of that kind, were gentlemen in earnest when they called for proof? How was the influence of the crown to be proved? He had almost made a blunder, for he was going to say, that the influence of the crown shewed itself only in the dark, or it appeared so scared in the light, that it

was not one of those things so capable of proving any otherwise than by the notoriety of the fact.

He would now apply himself more closely to the question under consideration; and he wondered much that some gentlemen should make it a ground of objection to it, that it was unfair, taking it for granted that a reform was necessary, that the King's civil list should be attacked in the first instance. Good God! how could such assertions escape men who valued at all their candour and understanding? Had not opposition endeavoured by every means in their power to retrench the public expence? Had they not attempted over and over to stop the present unnatural war against America, or, if it was to be continued, to withdraw our troops from thence, so that they might be employed where they were really wanted, and an immense load of debt thereby avoided? It had been said, too, what new oppression or injuries do you feel? Was it possible for such a question to be coolly stated? Was the loss of America nothing new? Was the loss of our West India islands nothing new? Had we no new taxes? And were not all these things new injuries and oppressions?

With respect to the office of third secretary of state, it surely ought to be abolished. Not one single argument had even been attempted to prove there was any utility to arise in continuing it. If, indeed, only 4,500*l.* would be saved to the public by taking away the office, that was, in his opinion, no reason why it should not be done. The same objection might be brought against every clause in the Bill, if it was to be admitted as an argument against it, that it was only to save such a specific sum of money: 4,500*l.* taken by itself, was, perhaps, not so great a sum; but when a number of those sums were added together, they would amount to a very great sum total, and it was in the aggregate, that the reform in the public expenditure was proposed in the Bill before the House. It was not by abolishing the third office of secretary of state that they should save so much money, but strike off so much of the influence of the crown, which was, and ought to be, the primary object before them.

And now he would ask the House, if the King's civil list allowance was not to be proportioned to the situation of the times? If the House had now to fix the amount, would they give his Majesty so

enormous a sum as 900,000*l.* a year? Would any gentleman, even for the sake of argument, for it could be used for no other end, venture to contend, that the civil list should be disproportioned to the ability of the public? Indeed, it had been pretended, that 900,000*l.* was now no more than equal to 700,000*l.* in the reign of king William, but he reprobated the computation as idle and fallacious. The price of provisions, it was true, was higher now than then; but did the price of provisions affect the royal household so materially? He wondered it should be touched upon; but admitted the fact, namely, that 900,000*l.* was now no more than what 700,000*l.* was. But was this reign like William's? Parliament, indeed, allowed that glorious prince an ample income; but had he not occasion for their liberality? Good God! was this reign to be compared with the reign of that glorious and puissant prince, who had such just and extensive wars upon his hands; he was engaged in great and noble undertakings, and while he had the state at home to settle and adjust, was forming the most valuable alliances with foreign powers.

The civil establishment for the present King was, indeed, most liberally considered by parliament upon his accession to the throne. They held him, as he professed himself, a free-born Briton, and made him a settlement equal to the predilection they formed in his favour. They took for granted every thing he promised, and did not know what he really meant. They had not the least suspicion of the system by which his government was to be regulated, and did not know those calamities and miseries they were to experience from an American war. Parliament little expected what they have since so badly relished. But great as the sum of 900,000*l.* is, with what sort of face is it that even that is the King's civil list? Does he not come to parliament time after time praying them to pay off what he is in arrears? Are not the debts of the crown, even in this gigantic, overgrown allowance, as regularly voted as new taxes? Even at present, the civil list, he understood, to be behind hand no less than three quarters, so that another application for paying off the debts of the crown might soon be expected; nay, a noble lord had openly said, that the King's establishment would want a still further increase as the branches of the royal family grew up.

In order to shew that the House had

no right to interfere with the civil list, the same noble lord had asked him, what right he had to question him about his style of living? As the case stood at present, he would readily allow him, that he had none. But if he was living beyond his income, and he was to pay his debts contracted thereby, he should think he had a just right to enquire into his conduct, and to say, you surely might lop off this or that article of extravagance. And how, otherwise, did the opposition mean to deal with the King? And yet any strangers present, to hear the arguments used by the ministerial side, would conclude, that the House was moved to take away the King's private purse, and not reduce the civil list, the allowance of which was only granted to him by parliament, in trust for the people, for their use, and not for his own private occasions, to do with it just as we might choose.

That the motion before the committee was perfectly agreeable to, and in support of the petitions of the people of England, he strongly contended. They prayed for a diminution of the influence of the crown, and the abolishing of one of the secretaries of state tended directly to that point. In support of the motion itself, he thought every thing might be said, that need be said. Experience was better than theory, and it had been proved, that two secretaries of state were sufficient, for lord Suffolk was dead nearly twelve months, before a person was appointed to succeed him.

He was sorry the minister and his friends were afraid to meet the question, whether the House had a power to controul the civil list or not. Though, should they put it, he should not think himself bound to acquiesce in it. He would resist it to the utmost of his power. He trusted he did not speak disorderly, for parliament had not said any thing like it. If they should at any time, he should conceive the compact between the king and people totally broken, and this country reduced to the most downright despotism that could be brought to practice. In such a case, he would not say what he would do, but he should not think parliament a place in which he should be able to serve the people, who knew, he trusted, that they were not born to be slaves.

He alluded, in very strong terms, to an hon. and learned gentleman (Mr. Mansfield) amongst others, who were sometimes standing forth as advocates for the

crown, and sometimes for the rights of the people. He exclaimed, in the genuine warmth of patriotism, against the pretence that parliament were bound at the Revolution, not to interfere in the expenditure of the King's civil list, which he called a new and damnable doctrine, and infamous to a degree; he meant as far as it argued, and not personally, to the right hon. gentleman who had that day ventured to advance it. He plainly saw it was the intention of ministry to treat the petitions with contempt, and to irritate the people of England to acts of violence; but he trusted they would avoid them, for he hoped there were sure and certain constitutional means by which they could relieve themselves, and punish the authors of their calamities and ruin.

Could he possibly be brought to think, that the Revolution had established so vile a maxim, as that the King's civil list was to be used independent of parliament, or that parliament were to be precluded from controuling the power of the crown in all cases whatsoever, he should think he, and all the people of England, were bound to curse and execrate the Revolution. But did he think so absurdly of the Revolution? Could any one think so absurdly of it? How shamefully was the Revolution libelled and traduced? He had sometimes heard, that a rebellion tended to strengthen the hands of government. He was now convinced, it was a very possible case: for if the maxim, that the House really had no power over the civil list, should be established, a rebellion, and nothing but a rebellion, could possibly save the constitution, and restore it to that state, from which the establishment of so vile a doctrine would inevitably reduce it. But why would not ministry stand forth, and fairly try the question? The friends of the constitution were ready, were waiting anxiously to combat it. But the minister, though he would persist in prejudicing the House with the principle of it, shrunk back, in a dastardly manner, and loathed the question in a debateable shape. For his part, he liked that kind of conduct worse than the right hon. gentleman's, for he did not skulk behind his partizans, but came boldly forth, in an open, manly manner, and he liked the person that was honest enough to come out in the daylight, and attack him at once unmasked. He declared, however, that should the question be ever put and carried, he would alone contest it, and seek some other

place in which he would endeavour and hope to serve his country.

Mr. *Mansfield* spoke chiefly in reply to something that had fallen from the last speaker respecting his sometimes leaning towards the prerogative of the crown, and sometimes towards the liberties of the people. He declared he no more regarded the rights of the crown, than the freedom of the subject. But he would not be intimidated by the hon. gentleman.

At a quarter before 3 in the morning, the committee divided. For the question 201; Against it 208. Mr. *Elwes* reported progress, and asked leave to sit again.

Debate on the Earl of Shelburne's Motion relative to the Removal of the Marquis of Carmarthen and the Earl of Pembroke from the Lieutenancy of their respective Counties.] March 6. The order of the day being read,

The Earl of *Shelburne* rose, and acquainted their lordships, that the reason why he troubled them in summoning them that day, was, for purposes that concerned the honour and dignity of parliament, and the support of the constitution; it was to enquire into the cause of two noble lords near him being dismissed their employments, against whom no charge of delinquency could possibly be made, nor even was pretended to be made; nor could any reason be assigned but this suggestion, that one noble lord had declared the side he should take on a question agitated in that House; and the other had absolutely voted on it. These were the only crimes they had committed; and for the exercise of this common freedom, inherent in the constitution, and belonging to every member of parliament, they were disgraced in the face of their country, without even so much as knowing the cause of their dismissal, or having the opportunity of satisfying their respective counties on that head. His lordship spoke forcibly to the dangerous lengths this proceeding led to, particularly at a time like the present, when every body felt the influence of the crown in the extremes of every department, from the minister to the lowest officer of excise. He likewise stated the power of lord-lieutenants, respecting the militia laws; spoke honourably to the characters of the two noble lords, and adverted to the various evils which might result from such a system of government, where their duty to their country was interpreted, to amount to an act which called for some

signal mark of his Majesty's displeasure. His lordship then entered into a detail of the rise and power of lord-lieutenants of counties. He said, that this great office, though vested in the constitution, was not generally established till the reign of queen Elizabeth; and that its powers, from the beginning, were in a great respect independent of the crown, and always considered as a balance between the people and the prerogative. His lordship adverted to the establishment and power of the militia, praised its original institution, and the constitutional effects such a body of freemen must, under proper regulations, yield to their country; but this great institution, ever since 1762, had been so broken in by acts of parliament, as to throw its power and force into the hands of the crown, that it was daily becoming one of the state engines of corruption.

From the militia his lordship passed on to the army. He spoke with a peculiar vehemence of a regulation lately adopted in this school of war, called occasional rank; he said, this was the most destructive, humiliating principle, that could possibly be brought to operate upon a soldier; a character nursed and educated in high notions of honour, and whose very existence depended upon his fame and emulation; that though he would rather avoid giving any precedents of this abuse, yet that it should not be thought he dealt in mere declamation, he would ask what pretensions a Mr. Fullarton had to be appointed a lieutenant colonel? This gentleman had never held any rank, or ever was in the army before; he had been clerk to the noble lord (*Stormont*) when on his embassy to France, where perhaps he might have acquitted himself very well with his pen, but never was acquainted with the use of the sword; yet this clerk in office, this *commis*, contrary to all military establishments, contrary to all the spirit of the army, was now a lieutenant colonel, and had the superiority in command over lord Harrington, a young nobleman of the most active and enterprising spirit, who had fought his way, inch by inch, to command, and whose great rank and family connections served him in no other light but to have marked his services to the public.

His lordship after this enumerated many other instances; and indeed the noble lords who sat round him, furnished him with so many, that he begged leave to decline giving any more of that scandalous

and degrading practice; but turning to the woolsack, called upon the noble lord who sat there, to ask him, how he should like to see men, who called themselves lawyers (he did not mean even Scotch lawyers) but men who had never been in the least degree educated as such, at once assuming the dignity of the bench, and undertaking to expound the laws and constitutions of this country? In this pointed animadversion on the abuses of the army, he paid the highest compliments to lord Amherst, wondered he did not see his name at the head of the office, which the constitution allowed of (commander in chief), as he was very sure, could he remedy the abuses complained of, he would. He at the same time reprobated the scandalous insinuations thrown out by ministry and their runners, against this noble lord's avarice. He knew it to be false, and could arise from no other ground, than that little sordid principle which prevails in corrupted minds to endeavour to sully the reputation of men of contrary principles.

His lordship described the alarming influence of the crown, which was taking such daily strides, both in the militia and the army, and in short, in every other department, that if it was not immediately checked, the prerogative would be the ruling influence of the state. He then proposed the following motion; at the same time assuring their lordships, if any one lord could rise and declare upon his honour, he did not believe these two noble lords were displaced from their offices for giving their votes in parliament, he would withdraw it: "Whereas the marquis of Carmarthen was dismissed from his employment of the lieutenancy of the East Riding of the county of York, on the morning of that day when his opinion to support with his vote a motion that was made in the House on the 8th day of February last was well known; and whereas the earl of Pembroke was likewise dismissed from the lieutenancy of the county of Wilts soon after he gave his vote on the same question, which office of lieutenant has been at all times important, but most peculiarly so under the present constitution of the militia. And whereas no cause has been suggested or communicated to either of the said noble lords for such dismissal, this House therefore hath every ground to believe that the same had reference to their conduct in parliament." And it was therefore moved, "That an

humble Address be presented to his Majesty, to desire that he will be graciously pleased to acquaint this House whether he has been advised, and by whom, to dismiss the said two noble lords, or either of them, from their said employments, for their conduct in parliament."

The Marquis of *Carmarthen* said, the nature of the motion was such, as he could not in delicacy vote in support of. He nevertheless heartily approved of it, and for this particular reason, that by it he hoped he should be able to tell his enquiring county why he had been displaced from acting as their lord lieutenant. Understanding such a motion was to be made, he should certainly have staid away, were it not in order to hear from the mouth of some of his Majesty's confidential servants the reason his gracious sovereign had for dismissing him from the lieutenancy of the county over which he had the honour to preside. He flattered himself his removal was not occasioned by any abuse of the power annexed to his office, nor did he understand that he had given any offence to the people of the county of York, either as lieutenant or by the vote he had given, as he received several letters from many of the most respectable gentlemen in that county, containing a full approbation of his conduct in parliament.

The Earl of *Pembroke* explained the nature of his dismissal, which he was sure his Majesty was advised to, as when he resigned the office of lord of the bed-chamber to him he met with the same gracious reception he was wont to do. His family had been lord lieutenants of Wilts ever since the office was known in England, and he was happy to find that his conduct had been such, upon all occasions, as to meet the approbation of his county. His lordship was severe upon some late promotions. He despised from his heart the means made use of to obtain rank, contrary to the established rules of service, and affirmed, that army in which such things were permitted must either moulder away, or become a dangerous engine in the hands of government. As the present motion respected himself, he must, like the noble marquis, decline giving his vote.

The Earl of *Abingdon* rose to give his entire approbation to the motion, and paid the noble lord who made it many compliments: the dangerous influence of the crown was known and felt throughout the state, and had reached every class and de-

scription of men, and if such instances were permitted to go off, unenquired into and unredressed, the danger might become irremediable.

Lord *Stormont* rested his opposition to the motion, principally on the discretion of the crown to remove any officer it thought proper. That this discretion was given the crown by the constitution, no noble lord had thought proper to deny; it would, therefore, be out of all rule to address his Majesty on such a subject, when his prerogative was concerned, and instanced the conduct of the Long Parliament in support of his opinion. In respect to the abuses of the militia and army his lordship was quite silent, unless a few words in defence of colonel Fullarton, by saying, though he was not bred to the army, that he dared to say he would support the character of a soldier with spirit and propriety. He animadverted on the previous declaration made by a noble marquis, that he would give such an opinion on such a question; this declaration he did not expect from any noble lord before he heard the debates on the question on which he might state that opinion. His lordship observed that the two noble lords held their offices through the favour of the crown, and had therefore no right to complain when it was withdrawn; for they lost nothing they could call their own. God forbid that any man should come into this House with a determined opinion to vote, without first hearing the debate!

The Earl of *Radnor* spoke in favour of the motion, and in particular to the abuses daily creeping into the militia laws, which, his lordship said, in the course of the session he should take up more particularly. He reprobated the dangerous influence of the crown, and said, if it was expected that noble lords who held places, should vote as prerogative should dictate, such places could be considered in no other light than the worst of bribes.

The Marquis of *Rockingham* made some pointed observations on the abuse of the militia laws; said, that they were making daily nearer approaches to a standing army. The militia was instituted merely as a constitutional force, and pointed to two objects; the defence of the kingdom from our foreign enemies, and to have that defence composed of men, not immediately dependent upon the crown. This was the original idea on which the militia was first taken up; but if unqualified per-

sons were permitted to serve, merely as mercenaries, for the sake of pay and rank; if substitutes were continued from time to time; and if the lords lieutenants were to be dismissed, merely for their political principles, he, for one, saw no difference between a militia and a standing army: of the two, he was inclined to give the preference to the latter, because they very seldom troubled themselves with parties or politics, but confined their attention chiefly to their duty as soldiers, and to the interest and honour of their country and their sovereign. His lordship expressed his fullest approbation of the motion.

The Duke of *Richmond* said, that as to the unlimited unrestrained discretion of the crown, in a choice of persons to fill the offices of the state, it was no doubt an inherent, undisputed prerogative vested in it, for the wisest and best purposes; but it was a prerogative or right, the exercise of which, as well as every other power or right the crown enjoyed, that was subject to the controul and animadversion of parliament. It was, like them, exercised by counsel and advice, and if improperly exercised, as in other instances, subjected the advisers to enquiry, and if the cause was such as not to justify the advice, subjected them to removal, censure, or punishment. This was what was meant by a discretionary power being vested in the crown, it was neither more nor less. There was an unsound discretion as well as a sound discretion; by the sense put upon it, it meant no more than a power or ability to act, which was after subject to the controul and discussion of parliament. Whenever that power was wantonly and evidently abused, it became tyrannical or arbitrary, and not discretionary. His grace then proceeded to shew, that the whole order of things was reversed in the line of promotion, civil and military, particularly in the latter. All rank was trampled upon, all subordination was at an end; corruption and faction had pervaded every order of men, and every department of the state. Influence and patronage had swept every thing before them, and favour, and not merit or experience, was the sure road to preferment. A stronger instance could not be adduced, than the one mentioned by the noble mover. He desired any one lord to lay his hand on his heart, and fairly declare, whether he thought a man closeted in Paris, or thrust up behind a desk, could

instantly, by intuition, step forward as a candidate for military command, or if he did, what kind of persons those must be, who could not only listen to, but give way to such ridiculous and absurd pretensions? Yet such was the case in respect of a late military promotion. A man of yesterday, a clerk to the embassy at Paris, was, by a mere exertion of power or ministerial caprice, put over the heads of upwards of a thousand officers, many of them of long and tried service, of established merit in their profession, and bred up to the art of war from their earliest youth. Such promotions, so contrary to the rules of service, was sufficient to drive every man of honour and spirit from the service, to disseminate discontents throughout the whole army, and to deter the young nobility and gentry of weight and fortune from entering into it, when not only they were liable to be robbed of their just rank, in the usual course of preferment, but to have persons put over their heads to command them, who perhaps hardly knew the right end of a firelock.

Lord *Denbigh* declared that he had the highest regard for the two noble lords, whose dismissal furnished the subject matter of the present debate. When he said this, however, his duty would not permit him to be silent, when he heard it suggested that either of the noble lords were dismissed on account of any vote they meant to give in that House. The noble lord who made the motion called upon noble lords to lay their hands on their hearts, and declare upon their honours, whether or not they thought that the two noble lords were dismissed merely on account of their conduct in that House. In answer to which, he, as one who was called upon in this solemn manner, could lay his heart on his hand [here a loud laugh] and declare, that he did not believe it was; for if it were a principle of that kind which caused the removal of the noble lords from the posts they lately filled, he had several noble lords in his eye who were in a continual state of opposition to government, and enemies to the crown, yet, were nevertheless permitted to retain their offices of lords lieutenant. He said, that if the fact had been as stated, and the cause assigned for the removal of the two noble lords was on account of their conduct in that House, it would not be without numerous precedents to support and sanction it. He believed it had often been done since the Revolution, and under the fa-

vourite administration of the noble lords who would vote for the proposed Address, and there was a recent instance of the kind early in the present reign, when none of his present Majesty's confidential servants were in power, he meant the case of a noble earl lately deceased (*Temple*) who, for a vote given in that House, had been removed from the lieutenancy of the county of Bucks.

Earl *Temple* set the noble earl right: he could assure the noble earl he had been grossly misinformed: as it was not on account of any vote given in that House, that his noble relation was removed.

The Duke of *Richmond* said, he wished to know from the noble lord who spoke last but one, whom he meant to describe under the appellation of the enemies of the crown. If his lordship knew of any such, it was his duty to point them out; if, on the other hand, the noble earl undertook to make loose accusations, of a dangerous, cruel and inflammatory tendency, which included in their objects several persons of high rank and great trust, and, in fact, involved a charge of the most criminal nature, he insisted that the noble earl would rise and explain his words. [Lord *Denbigh* said, he meant not enemies to the crown, but of the present administration.] His grace took notice of another expression which fell from the noble earl, when he asserted so confidently, that the noble marquis was not removed for any opinion, or vote given in that House. This was rather stepping a little out of the way; the noble lord was no cabinet minister. He was at a loss therefore to guess whence he drew his information, unless through his intimacy with a certain great court lord, still believed to retain no small share of influence in his Majesty's councils. He was evidently the confidential friend of the noble lord alluded to (*Bute*) and no better proof need be adduced, than his being always entrusted with that noble lord's proxy.

His grace, after stating several strong arguments to shew how deeply the constitution had been wounded in the gross abuse of the trust delegated to the executive power, which was intended to reward merit, and promote public virtue, but which, in the instances stated in the motion, had been employed to purposes directly the reverse, proceeded to support these general assertions, in a variety of instances, in which the power vested in the first magistrate, or rather in his minis-

ters, had been most shamefully perverted, not only by endeavouring to undermine the independency of parliament, but likewise in the disposal of places of high trust, pre-eminence, and actual service. His grace directed his attention a second time to the late shameful promotions in every respect tending to fill the whole army with disgust and discontent. In proof of this, he mentioned the promotions of messrs. M'Carmack, Keating, &c. who had lately, (the former from being a captain, and the latter a subaltern on half-pay) been raised to the rank of colonels, with the command of regiments annexed to that rank; and the gentleman to whom he had before alluded, who had been lately clerk to the noble viscount in high office, when ambassador at Paris, who, he presumed, had never seen any gun discharged, but a pot or water gun, yet he was now removed from behind the desk, and promoted to the command of a battalion! His grace read an extract from the debates of the Lords in the year 1733, where, upon the crown's dismissing lord Cobham and the duke of Bolton from their places, a protest had been entered into by several noble lords, with the late lord Bathurst at their head. This he hoped would strike their lordships as a precedent for the right of parliament to regulate the abuse of discretion in the crown, and in particular draw up a noble lord in his eye, to support the sentiments of his noble father; concluding with an appeal to the law lords and bench of bishops, asking the learned lord on the woolsack, and the right reverend prelate, at the head of that bench, how they would approve to have silk gowns and dignities in the church conferred upon men every way unfitted for such stations, by habit, education, or learning, and totally ignorant of both law and gospel.

The Lord President *Bathurst* declared, that he always disapproved of removing persons from their appointments on any other ground but that of neglect or incapacity; and he could say with truth, after upwards of thirty years public service, that he did not know he had ever made an enemy, or given just cause of offence, in any public character he had filled. Having said this, however, he, for one, thought that the present motion was highly objectionable on several accounts, and on none more than as it directly went to entrench on one of the first prerogatives of the crown, that of a choice of its own servants. The power of the crown might,

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in some instances, be imprudently exercised. Every power, however modified, or to whomever intrusted, was liable to some degree of abuse; not that he at all supposed that to be the case in the present instance, for there was nothing that distinguished the removals which formed the subject of the present debate, from a successive stream of precedents, from the Revolution down to the present day: but allowing the arguments urged by the supporters of the motion in the fullest extent, he was perfectly satisfied that there was not a noble lord present who seriously wished to have his Majesty's prerogative abridged, much less annihilated, which would be the direct consequence of agreeing to the motion.

The Earl of *Hillsborough* said, he had been misrepresented in what he said on a former debate; he had not said that the petitions led to faction and sedition, and the petitioners' conduct to the brink of rebellion; he had never mentioned the words petitions nor petitioners, he had only spoken of illegal associations. With respect to the motion, he thought the king had an undoubted right to appoint and dismiss the officers of the crown as he pleased, nor could it be an object for parliament to interfere with, unless that power was grossly abused.

Lord *Craven* spoke warmly in favour of the motion; he said, that as the two noble lords had no intelligence of the motive which induced his Majesty to deprive them of their employments, it was his opinion, that the proposed Address should be presented to his Majesty.

The Lord Chancellor said, if his Majesty's royal will were subject to parliamentary controul and examination, upon every promotion or removal, which prudence directed him to put into execution, such modes of proceeding would end in a total subversion of the prerogative. If the present motion succeeded, the consequence would be, that the House would never be extricated from difficulties which might necessarily be the consequence of such addresses and appeals to the sovereign upon every exercise of the powers vested in him by the constitution. No proof had been laid before their lordships, that the dismissals arose from any vote given in that House; consequently until some fact were stated, it could not be decent to approach the throne upon the subject.

Lord *Camden* made several objections to the Lord Chancellor's mode of reason-

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ing, which in every degree tended to subvert the independence of parliament. It ought to be an object of the greatest importance to every noble lord present, to ascertain the privileges of parliament, which they must necessarily be deprived of, if the learned lord's arguments were conclusive. And he further added, that proceedings of that nature, which were carried on without ministerial discussion, and smuggled by the influence of individuals, reflected great disgrace upon his Majesty's councils; and if proper remedies were not applied to prevent the effects which were generally annexed to whispering-work, the nation would deeply feel the evil; he therefore thought it proper to give his assent to the motion, as it might prevent private influence from depriving men of rank and fortune from serving their country, and serve as an antidote against those who were corrupt enough to promote men, who had neither rank, fortune, nor abilities. His lordship concluded in nearly the following words: I will put it to a short issue. Is there a noble lord in this House who believes that the dismissions alluded to, were not occasioned by votes given within those walls? I am astonished, therefore, to hear the learned lord call for proofs. What proofs would he desire? Nay, I will take it the other way, the two noble lords have been dismissed; where are the proofs of their incapacity or malversation in office? I grant, indeed, that in a court of law I should require more direct and substantive proofs, but to the common sense of mankind, what can be more satisfactory?

The *Lord Chancellor* rose to explain what he said relative to the King's prerogative, which (he endeavoured to prove) did by no means affect the rights or privileges of that House; and that he meant no more than, that as many offices were at the King's disposal, which, when disposed of according as his Majesty was pleased to confer them, were not subjected to parliamentary animadversion; in like manner, when men in these offices were, by his prudence, dismissed from their respective employments, there should be no reason for subjecting his determinations or royal resolutions to parliamentary discussion.

The Duke of *Grafton* said, that the present instance convinced him of the necessity of spirited exertions to prevent the effects of the influence which individuals privately exercised to the prejudice of the

nation; and as no public reason was assigned for the dismissal of the two noble lords, he could have no objection to a motion which was intended to remove the groundless suspicions of the public, and detect the malignant spirit of the private detractor and adviser.

The Duke of *Devonshire*, for the first time, spoke with such composure and elegance, that the whole House observed the most profound silence. My lords, said he, though I have been hitherto silent, relative to political affairs, which, indeed, are not very agreeable to my temper, yet now such is the deplorable situation of the country, that I should think myself base, degenerate, and unworthy the name and character of a man who had the interest of his country at heart, if I remained any longer indifferent; for, at the existing crisis, I am sincerely of opinion, the present ministry are not capable of retrieving the affairs of this country; their system is by no means united, and their abilities, in my opinion, are very unequal to the task they have in hand. I approve of the county meetings, and consequently of the associations, without which the petitions would be of no avail; and I am firmly resolved to support and encourage them, so long as they shall seem legal and discreet. Not but he was free to own that such meetings and associations were liable to abuse and inconvenience, if not properly conducted. They should be accompanied with great moderation and temper, as otherwise they might be productive of greater mischiefs than those they were first set on foot to remove. He renounced all party motives. He had nothing to hope for but the peace, prosperity, and welfare of his native country. He could have no temptation to encourage domestic broils or civil confusion. He had a considerable stake to lose, and could be no further a gainer than as he was interested as an Englishman, for the preservation of the constitution, and the invaluable rights, liberties, and privileges derived from it. His grace spoke with a firmness and facility which seldom accompany a maiden speech in parliament, and in a tone of voice and energy, which plainly evinced the sincerity of his heart, the warmth of his sentiments, and the manly independence of his conduct.

About eleven o'clock, the question being called for, the House divided: Contents 31, Proxies 8,—39. Non-Contents 66, Proxies 26,—92.

Debate in the Lords on a Motion for a List of Places, Pensions, &c. held by Members of that House.] March 10. The order of the day being read,

The Earl of *Effingham* rose. He observed, that it was generally believed without doors, that great emoluments and high employments had a very strong influence on the determinations of parliament. No man could be farther from attributing to the members of that House any improper motives for the ground of their conduct in parliament than he was, yet he believed there was no opinion more generally prevalent than that places, pensions, and employments tended to give a bias to the human mind very different to what it might take were the temptation removed. His motion pointed to no innovation whatever; it was rather an enquiry, which hereafter, in the discretion of the House, might lead to correction and regulation. It was intended to call forth before their lordships a list of all places, pensions and employments, held by the members of that House, whether for a term of years, during pleasure, or good behaviour: it might be pushed a good way further, to reversions, &c. but as he wished to give cause to as little opposition as possible, he had framed it so as to preclude any colour or pretence that it had originated in motives of an invidious curiosity, or any thing which could be construed into a design of causing the least pain to any one.—The influence of the crown could hardly be denied; hopes and fears were created in the breasts of men according to their different tempers and dispositions. The influence of preferment, in expectation, or the anxiousness of retaining what we already held, was a pervading principle. The right reverend bench, for instance, were not affected by any fear of losing the very respectable rank and emoluments they held in the state; but still, in some minds, translations to higher dignities and greater emoluments might be not entirely overlooked. A certain part of the peerage, whose seats in that House stood upon a different footing from those who enjoyed that right by inheritance, he meant the peerage of Scotland; those two descriptions threw a great weight into the scale of the crown. His motion, however, was framed on an idea very different, and was suggested on the opinions which generally prevailed without doors, that the influence of the crown was enormous, and that it was necessary to set some limits to it. The other House had,

by several Acts, confessed the principle to be well-founded. They had framed Bills expressly for the purpose, and had, particularly in the instance of pensions granted by the crown during pleasure, excluded persons of that description from being either elected, or, if elected, from sitting in parliament. He wished to preserve all possible delicacy on the subject, and to avoid every appearance of making any personal application to any one noble lord, but certainly from some decisions in that House, which had taken place of late years, he could not help observing, that such noble lords as stood in the situation described in the motion almost universally voted with administration upon every question; while a very considerable majority, those who were supposed to be under no such influence, voted on the other side.—He reminded their lordships that the times were rather critical; that though they were not the representatives of the people, it was their duty to pay a proper attention to their interests, their wishes, and reasonable requests. If the present motion was refused, it would have a very unfavourable aspect, and would increase those suspicions which were daily spreading. Those who held neither pension or place would be indiscriminately mixed in the common mass; those who had, would betray, in the opinion of the people, a dread of having their situation made public, which would tend to turn suspicion into conviction, and prove that the motives of their conduct were such as they intended to conceal. On the contrary, if their lordships should agree to the motion, it would relieve all such as enjoyed no emolument under government from even a shadow of suspicion, and go a great way in justification of such as enjoyed places and pensions; would tend to prove that they were not ashamed of them, because they were conscious that they did not in the least influence their conduct. He recommended to their lordships to take a retrospect to past times; to consider how much it behoved them to stand high in the opinion of the public, for that opinion would be always their best and surest support. There was a period when that House had become so obnoxious to the people, as to be declared useless; and surely it was at all times their interest to have the people believe that their lordships were actuated by motives directed solely to the public welfare. His lordship moved, “That there be laid before the House a

list of such members of that House as enjoyed any place, pension, or employment for a term of years, for life, during pleasure, during good behaviour, or who possessed a reversion."

Lord *Stormont* opposed the motion. He said it implied a censure, and a most injurious one on the conduct of that House, as if the places and employments held by noble lords gave birth to motives which influenced their votes. There was a time, it was true, when the other House voted that House useless, but he would have the noble lord recollect what followed that vote; no less than a total overthrow of the constitution, accompanied by the murder of the sovereign then on the throne. The noble lord had adduced no one precedent in support of his motion, nor was there, he believed, a single instance in the annals of parliament of any such resolution. There was indeed, at the period alluded to by the noble lord, a self-denying ordinance, which was a scheme to get all the moderate and real sober friends of their country out of the House, because they knew so long as such men mixed in their deliberations, they would not be able to carry their evil designs and pernicious schemes into execution. An attempt was made in 1693, to exclude all pensioners from parliament; but though the Bill passed the Commons, it was lost in that House. That period was known to be favourable to every right and regulation, founded in popular principles; yet, though as great and independent a body of men as ever sat together in that House, and though the Bill was warmly supported and patronized by the then earl of Mulgrave, a peer of great weight, it was thrown out.

The Duke of *Richmond* entered into a full view of the state of the Scotch peerage, and dwelt a considerable time on their dependency on administration. He did not mean a servile or corrupt dependency, but a dependency arising from their particular situation, which, so far as it regarded their parliamentary conduct, was, in some measure, binding them by a kind of contract, to support the measures of the minister for the time being. It arose from the electors more than the elected. The electors were, for the most part, dependent on the crown or administration. They directed who should be chosen. The minister's list was sent about previous to a general election, and those who lived on the bounty of the crown, were direct-

ed how to vote at the election of the 16 peers, so that the influence of the crown on the Scotch lords who voted in that House, arose from the tenure by which they held their seats. As long as he knew any thing of parliament, he did not recollect an instance but one of any noble lord from that part of the kingdom dissenting in opinion from those who had nominated him; the only exception to the general rule was the circumstance of lord *Stair*, who, in the last session of the last parliament, voted agreeably to his conscience on the question of the propriety of the early part of the American measures, and, as might be reasonably expected, his lordship was left out of the minister's list at the ensuing election, and of course lost his seat in that House. He was a Scotch peer himself, and sincerely lamented the state of the peerage of that part of the united kingdom, and hoped sincerely, that the noble lords who enjoyed titles there, would contrive some means to emancipate themselves from the influence of the crown, which had been so shamefully exercised for a series of years by its ministers in garbling the Scotch elections. He condemned the language held by some persons in another assembly, who maintained that the civil list revenue, in no given situation, was controllable by parliament, but was the property of the king, as much as any estate was the property of the legal possessor. He understood that a species of property held by him, and a noble duke (*Grafton*) underwent a long comparison, and a small degree of discussion. He understood, that an hon. gentleman (*Mr. Dundas*) had proved himself a strong advocate for him. He required no voluntary advocate to protect his rights, much less a Scotch one. When his rights were invaded, and attacked, he knew how to defend them, whom to employ, and where to seek counsel. His grace concluded with testifying his hearty assent to the motion.

Lord *Fauconbergh* made general declarations of his independency of fortune and of principle. He would never agree in opinion with those who asserted that emoluments under the crown tended to pervert the understandings, or to influence the conduct of men of honour. He enjoyed, it was true, a place in the household [lord of the bed-chamber] for which he received 700*l.* per annum, and the emoluments of his post as colonel of a new-raised regiment; yet he would declare

upon his honour, that he never gave a vote in that House which did not arise from a sense of duty to his sovereign and his country. His lordship, in reply to what the noble duke who spoke last had said, of the doctrines maintained in another place, that he thought the language alluded to generally right, when qualified, as he understood it was, that the King had a property in the civil list revenues which could not be touched, without instances of abuse were first proved; no proof of the kind was offered, consequently no right was inherent in parliament of controlling the expenditure of the civil list, till some charge was made and proved; but he acknowledged, on these conditions, the civil list revenue was controulable by parliament.

Lord Marchmont spoke with some degree of warmth respecting the Scotch peerage, who had been reflected upon on account of their property, and contended, that it was a proper exercise of the munificence of the crown to keep up the credit and dignity of the peerage of both kingdoms, in the persons of such individuals of it as might have, from various circumstances, come to be impoverished. This was the idea of the English legislature, who, in the case of one of the ancient family of the Veres, earls of Oxford, when the fortune went out of it with a female, addressed the crown to make a provision for the possessor of the title suitable to his high rank.

The House divided: Contents 24: Not Contents 51.

Debate on the Clause in Mr. Burke's Establishment Bill for abolishing the Board of Trade—Difference between Speaker Norton and Lord North.] March 13. The House again resolved itself into a Committee on Mr. Burke's Bill "for the better Regulation of his Majesty's Civil Establishments, and of certain public offices; for the limitation of pensions, and the suppression of sundry useless, expensive, and inconvenient places; and for applying the monies saved thereby, to the public service;" Mr. Elwes in the chair. The Clause for abolishing the Board of Trade being read,

Mr. Eden rose, and acquainted the committee, as he did not mean to state objections to particular parts of the clause, or give unnecessary trouble, he trusted the House would indulge him in stating his reasons in general against the clause

in this stage of the business. He began with observing, that though he should not object to particular parts of the clause, he meant, as soon as the clause was completed, by having the blanks filled up, to state to the committee some material facts, in which, before they proceeded, it would be necessary that they should be informed of; for he flattered himself, that if those facts were sufficiently known, the present clause would have never appeared in the Bill. He gave this notice, lest the hon. gentleman who framed the Bill should imagine he meant to take him unprepared to meet the solid objections, which, in his opinion, he had to offer; and he had every reason to expect that the hon. gentleman would either prove the allegations he intended to state in the course of his speech, or meet them with arguments sufficient to discredit what he had to urge in the opinion of the committee.—It was a constitutional and parliamentary principle, that no clause in a Bill should ever be suffered to pass a committee, unless upon a case previously made, and upon evidence sufficient to induce the House to dispense with its usual and customary mode of proceeding. To step out of its ordinary sphere, the House should have full and relative proofs of an abuse in the executive government, before it ventured to interfere or controul its administration. He observed, that this doctrine had been proved in a very able manner, by the author of a pamphlet intitled, "The Cause of the present Discontents;" and the opinions stated in that pamphlet, would, he trusted, have particular weight with the hon. gentleman, who was the author of the present Bill, [the pamphlet was written by Mr. Burke.] On this clear ground he made no doubt but the hon. gentleman would acknowledge the propriety of adducing evidence in support of the clause. The hon. gentleman might have had, for he himself offered him written evidence from the most authentic documents of the board, from its first establishment to the present time, a period of 108 years.—He informed the committee, that the records consisted of upwards of 2,300 volumes in folio, which he would be bold to say contained much important and interesting information. It was now, indeed, proposed to throw them into the flames, because the hon. gentleman, who knew nothing of their contents and declined to be informed of them, presumed that they were no more than monuments of unprofitable labour. The hon. gentle-

man had chosen, upon a recent occasion, to call his witnesses from the dead, [alluding to what Mr. Burke had said relative to the late lord Suffolk, on the 8th instant.] It was a species of proof he could not now object to. If so, he might in those volumes have read the names of Mr. Locke, Mr. Addison, Mr. Prior, lord Molesworth, the late Mr. Charles Townshend, and many others of the first rank and first rate abilities, who at different times enjoyed seats at the Board of Trade. That respectable statesman and most excellent man, the late earl of Suffolk, could not be summoned in this case, but the hon. gentleman might indulge his sportive imagination round the tombs of Locke and Addison. He might speak epigrams on their escutcheons, he might paint their last sicknesses, without bringing the painful recollection of a departed friend, or the agonies of grief from widows, mothers or sisters; or disgust or uneasiness to the relations of the deceased. He regretted that he found himself under the necessity of recalling to the memory of the committee so disagreeable a subject; but as sensibility and good nature were the leading features of the hon. gentleman's character, he only referred to that part of his speech, in order to remind him, that he could not bear to see them sacrificed to the wantonness of eloquence.—He said, besides the documents he alluded to, he wished for living testimony; for plain sense and solid information, which might be had from a reputable friend of his, who had passed thirty years of his life at the board, and twenty-four in the capacity of secretary, (Mr. J. Pownall). That person had now no longer an interest in the board, and was known to be above being an advocate in any other cause but that of truth.

Mr. *Burke* said, he was not a little amazed at hearing himself charged with having sported with the feelings of either the widows, mothers, or sisters of the deceased: if any thing improper had been said in the wantonness of eloquence, as the hon. gentleman had called it, it ought to be corrected in the coolness of recollection. In talking of the late lord Suffolk, he had neither intended to insult his memory, nor afflict his family. God forbid he should have done either the one or the other! He had declared the late lord Suffolk to be a man of honour, and had directed his ridicule at his office, not at his person. When he came to that part of his argument which called for some no-

tice of the inutility of there being more than two secretaries of state, he had been naturally induced to instance the remarkable facts of the late lord Suffolk's being incapable to discharge the duties of his office, for a long time before he died, and of the office remaining vacant for near twelve months after the earl's decease; thence he had been induced to call it the widowed secretaryship, and the barren office: an office first made an infirmary, and then converted into a grand cemetery, in which the bones of a secretary had lain in state and in grand funeral pomp, as in a kind of Jerusalem Chamber, with a hatchment over the door, and escutcheons and lights round the corpse for a whole twelve-month together. But surely there could not be one man simple enough to conceive, that when he used this strong figure, he meant to be understood literally, or designed to insinuate that the corpse of the late lord Suffolk did actually and *bonâ fide* remain in the office for a twelve-month after that nobleman's death. No such thing was in his intention—not but if the matter had seriously been, as he had ludicrously stated it, he did not think but the office would have been made as good use of, as any it had been put to for the time mentioned.

He thanked the hon. gentleman for his historical account of the origin and utility of the Board of Trade; he was ready to accept that, but not his 2,300 volumes, which he begged to be excused from taking; he would not look into one of them. They would serve, however, as a monument, under which both he and his clause might be buried, and form a funeral pile for them as large as one of the pyramids of Egypt. Alas, poor clause! (exclaimed he) if it be thy fate to be put to death, thou shalt be gloriously entombed; thou shalt lie under a splendid mausoleum! The corners of thy cenotaph shall be supported by Locke, by Addison, by Prior and by Molesworth!

After having indulged himself for some time, in a succession of images full of wit and abounding in ridicule, in which the dull, senseless, sluggish contents of 2,300 volumes in folio, large enough to fill the room he was now speaking in, were contrasted with the transcendent talents, solid knowledge, and exalted characters of those great and wise men who were called in as witnesses, to stamp authority upon folly, to give currency to dulness, and induce the committee to believe that what was la-

borious was useful: he grew more serious, and said, as a board of trade he detested that which his clause tended to abolish, because he regarded it as useless, idle, and expensive; considered as an academy of Belles Lettres, into which it was now converted, he was willing to bow his head in reverence to the great and shining talents of its several members. Every department of literature, the solid and the entertaining, the instructive and the amusing, had its separate professor. The public exercises of the academy did it honour, and rendered it an object of public admiration and public applause. The historian's labours, the wise and salutary result of deep religious researches [Gibbon's * *Decline and Fall of the Roman Empire*,] the essence of epistolary correspondence, [Mr. Eden's *Letters*, addressed to lord Carlisle, and his *Observations on the Criminal Law*] and the great fund of political and legal knowledge, displayed most unanswerably the high abilities of four of its members, and entitled them to every mark of respect; whilst the poetical accomplishments of a fifth (lord Carlisle), which in an age of poetry would have given him rank among the best of our minor poets, in this age, which was of a more serious form, made him deservedly

* "Among the honourable connections which I had formed, I may justly be proud of the friendship of Mr. Wedderburn, at that time Attorney General, who now illustrates the title of lord Loughborough, and the office of Chief Justice of the Common Pleas. By his strong recommendation, and the favourable disposition of lord North, I was appointed one of the Lords Commissioners of Trade and Plantations; and my private income was enlarged by a clear addition of between seven and eight hundred pounds a year. The fancy of an hostile orator may paint, in the strong colours of ridicule, the 'perpetual virtual adjournment, and the unbroken vacation of the Board of Trade.' But it must be allowed that our duty was not intolerably severe, and that I enjoyed many days and weeks of repose without being called away from my library to the office. * * * * I can never forget the delight with which that diffusive and ingenious orator, Mr. Burke, was heard by all sides of the House, and even by those whose existence he proscribed. The Lords of Trade blushed at their insignificance, and Mr. Eden's appeal to the 2,500 volumes of our Reports, seemed only to excite a general laugh. I take this opportunity of certifying the correctness of Mr. Burke's printed speeches, which I have heard and read." Gibbon's *Miscellaneous Works*, vol. 1, p. 156.

regarded as a great poet. To the professors themselves he owed all possible deference, and from that deference it was that he wished to rescue them from the ignominy of being degraded to a board of trade. As an academy of Belles Lettres, he should hold them hallowed; as a board of trade he wished to abolish them.

There was another hon. gentleman who sat at the board, and had long sat there, (Mr. Soame Jenyns) who was no less admired for his talents than high integrity. That gentleman, among other performances deservedly esteemed, had written on the *Origin of Evil*. He could not say that it was the board at which he sat which suggested the title of his book, but surely he might well say, that the hon. gentleman's long experience might have led him to know that the Board of Trade was one great political evil, as it was attended with considerable expence, and was continued to increase the undue and unconstitutional influence of the crown in that House, one of the greatest political evils, or indeed the aggregate of them all. They reminded him of a book, which, although it was of a much humbler class than any they had themselves produced, unless indeed 2,300 volumes were to be esteemed the effect of their labours, and against the dulness of which, he might, he trusted, be allowed to quote one little book, and that was Quarle's *Emblems*!—a book that afforded scope for the faculties to display themselves to a certain extent, and which at least possessed the merit of having some very pretty pictures in it. In Quarle's *Emblems* he remembered to have seen a picture representing a man enclosed in a large human skeleton, designed as an emblem of death, and the man crying out, "Oh! how shall I get out of this strong death?" In this very situation he considered the great writers who now sat at the Board of Trade; they were immured in a skeleton, which was death to the freedom of their genius, and the strong ribs of which barred them from all opportunity of taking those soaring flights they were otherwise capable of. He meant to destroy the skeleton of death, and to give them liberty. He afterwards ran into another allegory, and said, he could not but view the Board of Trade as a crow's nest, in which nightingales were kept prisoners; he designed to take down the nest, and restore the nightingales to their freedom, that they might sing more delightfully.

The incomes of the commissioners, he declared, were too great for their good. Francis the first had been complained of, because he founded what he called his Parnassus, and endowed it most amply; in consequence of which, it was said, authors were too rich to write, and the reverse of the intention of the institution was the effect of it; literature declined, in proportion as the incomes of those capable of writing became liberal; this evil he meant to avoid, by lopping off the Board of Trade in time. He took occasion to pay an elegant compliment to Mr. Locke, Mr. Addison, and Mr. Prior; but much as he admired the productions of those eminent writers, he said he could not undertake to study the 2,300 volumes, nor consider them as any part of the productions of the great authors alluded to. He revered literature, but he did not wish to be overwhelmed with it. A great book was to him a great evil, *Μεγα βιβλον, μεγα κακον*! The small volume of common sense, the ideas already traced out, and registered in the volume of his brain, were sufficient to guide such a weak and insignificant individual as he was. He would not even look into the 2,300 volumes, and as to the great dead authorities the hon. gentleman had cited, as having sat at the board, there was not a sinecure, nor an inefficient employment, the continuance of which he could not support, if quoting the name of some great and respectable living or dead character who had at one time or another held either, was admitted, as a sufficient argument of its being continued.

With regard to the offer the hon. gentleman had made of the oral testimony of Mr. John Pownall, he begged to decline profiting by it; he would neither act so uncandidly nor so cruelly, as to call on a man who had made a fortune by his continuance in an office for 30 years together, for the purposes of asking that man, whether he thought the office he had made his fortune by, of utility or not. He knew Mr. Pownall to be an able, intelligent, honest man, of remarkable probity; but when investigating truth, he would not seek the opinions of any man, who from his habit of life, was presumed to be prejudiced. He would as soon appeal to the opinions of a veteran officer, whether standing armies were necessary in time of peace, as apply to his worthy friend, Mr. Pownall, for his opinion, whether the best part of his life was spent in the discharge of an useless office.

The Committee next proceeded to fill up the blanks in the proposed clause, after which

Mr. Eden desired to be heard again. He said, that his hon. friend had spoken infinitely better upon papers and books which he had never seen, than he himself could ever hope to do upon materials which he had carefully examined; nevertheless, it was the first principle of his life and conduct in no case to decline his duty when he seemed to be called upon. He admitted, that possible cases might exist in which it might be just and reasonable that a proportion of the royal income, though solemnly and sacredly granted for the life of the royal possessor, might be resumed, and applied to lessen the distresses of the people. He contended, however, that this must be in cases of great extremity actually existing and shewn in parliament: he denied that there were any appearances in the country to support so disheartening a supposition; but he supposed, that nothing less than the full belief of such circumstances, could have induced the hon. gentleman who brought in the Bill, to subject the dinners, diversions, and works of taste within the palace, to the cramped, slovenly, and disgusting system of a contract, which the lowest private gentleman would reject from his own family with disdain, and which had hitherto found its way only within the walls of a madhouse, or an infirmary. Nothing less than such a belief could have led the hon. gentleman to postpone the payment of the Queen's subsistence to the wages of the King's menial servants. He next touched lightly on the harshness of those clauses in the Bill which were to leave upon the pavement many worthy individuals, who, in the rank of clerks and secretaries of the different offices proposed to be reduced, had passed their whole lives in an honest attendance on public duties in the confidence of a permanent provision. Quitting, however, all inferior objections, he recurred to the present question, but first begged leave to observe, that the regulations proposed would make a great defalcation in the land-tax, and bring a considerable charge on the inhabitants of Westminster, which the hon. gentleman ought to have provided for. He entreated the committee to recollect hereafter, that though, by shewing the utility of the establishment in question, he should clearly prove that it ought not to be abolished, he could by no

means admit that any other establishment ought to be abolished, the utility of which he might be unable to shew. He then proceeded to state the institution, the powers, and the proceedings of the present Board of Trade, and also its charge to the public.

With regard to the institution, he observed that councils of commerce have had an early existence in every established government which had made any progress in commerce; and that there is not, at this moment, any kingdom in Europe without its establishment for this purpose. He admitted, that in early instances, when the principles of commerce were ill understood, these councils of trade had oftener been mischievous than useful; but insisted, that in the result, the very experiments which failed, had tended to enlighten mankind, and to give that spring and effect to general trade and interchange which prevails at this day. The first traces he could find of a special commission of this kind, was in 1636, by Charles 1. This was enlarged and new modified under Cromwell, and he referred to Thurloe's State Papers for the particulars. Charles 2, he shewed, had established a large board immediately on the Restoration, which, however, had no salaries, and did little business. In 1672 he made a commission nearly on the model of the present; this, however, subsisted only two years; after which the business of the board reverted to a committee of the council, in the manner proposed by the present Bill. He next shewed, that the neglects and sufferings of the mercantile interest during 22 years, had been such, that it became an object of parliamentary enquiry and reprehension: in consequence of which it had been proposed, contrary to the wish of the court, to establish a commission of trade by act of parliament, in 1696; but the discovery of Charnock's assassination plot having put the nation and House of Commons in good humour with the court, that intention was laid aside; and immediately upon the prorogation of the parliament, a royal commission of trade was issued on the 5th of May 1696, upon the plan which had originated in the House of Commons, and similar to the commission now existing.

He observed, that this first establishment had been represented as a job, but that it could be so represented only from misinformation, or for the purposes of a job. The persons appointed were men of the highest talents and character; the insti-

tution, in the subsequent sessions, was examined, and tacitly approved in the House of Commons; it was expressly approved in the House of Lords. He then quoted some very curious and interesting passages on this subject from Mr. Anderson's *Deduction of Commerce*; in which it was stated that committees of council, being a fluctuating body, and acting gratuitously, had been always found to act loosely, superficially, and insufficiently, in the important business of trade and plantations; but that the Board of Trade had been an excellent institution, and was of the highest importance to the merchants, and to the islands and colonies.

In order to shew the powers of the Board of Trade he stated an extract of their commission. The proceedings of the board consisted, he said, of answers and reports to the Houses of Parliament, in representations immediately addressed to the King, in reports to the privy council, in correspondences with the secretaries of state, with the treasury, with foreign consuls, with governors and civil officers in the plantations, with corporate bodies, and with individuals. He shewed, that the board, from time to time, had done material service in improving the coinage, introducing many useful laws respecting all the principal branches of trade, opening new branches of commerce, encouraging useful inventions, advising and consulting on all treaties of commerce, giving notice of the contravention of treaties, examining and controuling many public expenditures, checking malversations and oppressions, dismissing colony governors, revoking improper grants, and examining all new laws made in the colonies and islands, and reporting the same to the King.

Lastly, he stated the expence, which in 1696 was 9,090*l.* a year; at present, including the first lord, it was 11,305*l.* a year, from which he deducted more than one fourth, or 5*s.* 6*d.* in the pound being paid back to the public in taxes, and which reduced the present establishment to little more than 8,000*l.* a year. It would ill become him, he said, to contend, as far as he was concerned, that there were merits or ability in the present board to repay the public for such an expence. He knew it was easy for a lively imagination, assisted by a fluent elocution, and the habitual skill of debate, to treat all that could be said on this subject as light and unimportant.

He must however observe, that the clause in question did not assert, or even insinuate, that the Board of Trade was useless; it merely stated in the style of an Old Bailey advertisement, that "a certain board, commonly known by the name of," and then proceeded to conviction and sentence, without any trial or examination whatever. It was not, however, yet too late to say a few words in arrest of judgment, and to state the birth, parentage, and education, life, character, and behaviour of the unfortunate board. It owed its birth to William 3, it was nursed and educated by the great lord Somers; its farther progress in life was in the society of Mr. Locke, Mr. Addison, and all the first men in point of abilities within the kingdom; its character had ever been that of industry, beneficence, and justice. Such was the board which the hon. gentleman had condemned by a single dash of his pen; he acknowledged the powers of that pen, but could not, in this instance, acknowledge its deliberation, wisdom, or judgment. In conclusion, he desired the House to recollect, that the question was not, whether the functions of the board should now be suspended, because commerce was for an interval, and in some degree, suspended; that the question was not, whether there should be fewer commissioners, or whether members of parliament should be excluded from lords of trade. The simple and sole question before the House was this; whether, when no case was made out, nor any evidence stated, the committee should consent to the abolition of an ancient executive office, possessing great powers and many duties, producing strong appearances of application and diligence, and being, in fact, the general resort of merchants, manufacturers, and colonists; and this merely because an hon. gentleman had been pleased, *ex mero motu*, but not *ex certa scientia*, to place this great office at the head of sinecures, in the forlorn hope, and front of the attack.

Mr. Burke said, he should not travel through the 2,300 volumes, but he begged leave to say a few words in answer to every thing material, which had been offered against the clause, by the hon. gentleman. The hon. gentleman had attempted to shew, in the first place, that a commission on the model of the present board, had been established in 1672, after the one now proposed had continued for upwards of twelve years. It was very

true, but he presumed the hon. gentleman was not aware that this fact made against instead of for him, for in two years after, that commission was vacated, and the business at that board vested in some of the greatest names that ever adorned the political history of this country. He said, without disparagement, he hoped, to the noble earl who was now the first commissioner (lord Carlisle), Anthony Ashley Cooper, earl of Shaftesbury, might at least as a sound politician, whatever his other qualities were, be put in competition. He then enumerated the several other great names, who stood in that commission, such as lords Clifford, Arlington, Savile, afterwards marquis of Halifax, duke of Buckingham, lord Sunderland, lord Danby, afterwards duke of Leeds, lord Essex, Mr. Godolphin, sir William Temple, &c. He then mentioned several other succeeding commissions; and hoped, that in point of great authorities, and high and respectable names, he might at least vie with the hon. gentleman. He would observe, however, that the whole system of our trade laws, the establishment of our colony governments, the granting of charters, &c. had been effected during those commissions, which the hon. gentleman had represented as inadequate to the task, and so great, glorious, and wise a system of laws and regulations, he believed, had never been devised or carried into execution in this or any other country, since the beginning of the world to that day; in fine, every thing which had laid the foundation of the extensive commerce, which we till very lately enjoyed; every thing which rendered the possession of the vast and extensive wilds of America beneficial to us; which peopled the deserts of that country, which cultivated the wastes, and filled the rivers and ports with ships; were planned while the commission continued, which was now represented as useless, because those who acted in it were not paid for their trouble. Here was a period of 36 years, the most glorious in point of commerce and colonization it ever experienced; two years only intervening, and this was the period the hon. gentleman had fixed upon, to shew that nothing had been done, because those who acted in the commission had no salaries, and very confidently asserted that the board as now constituted, was established merely to provide against the neglects and sufferings of the mercantile interests. The hon. gentleman had called

for proof; nothing short of written or parole evidence would satisfy him; surely, then, it was incumbent on him to give some better proof than mere assertion, that the trade and commerce of this country had been neglected, when the evidence of past experience, was in such strong contradiction to what he had advanced.

After answering the former speaker with uncommon ability and strength of argument on these points, he observed, that whatever advantage might have been derived from the board in its early establishment soon after the Revolution, so long as it retained any portion of the original constitution, it had been gradually decreasing ever since, till it had at length dwindled into a mere useless sinecure office; so much so, that the little business which was transacted there, had been long since transferred to the office of secretary of state; and if any better proof were wanting, nothing could be stronger than that in the course of all our disputes with America, not so much as a single scrap of paper had been laid by that board before parliament respecting the state, condition, or temper of the colonies. The only pretence to any attention shewn by that useless board to the trade and commerce of this country, was in the single instance respecting the African trade a few years since; and such a report as was then made by that board, so much gross ignorance and partiality as were exhibited, he believed, was never before known upon a similar occasion.

But supposing the fact to be true, that it was the business of the Board of Trade to attend to the various matters which had been alluded to, was it not a fair question to ask, if they had done it? And was it not incumbent on the hon. gentleman to appeal to those proofs of their attention and industry, in the discharge of those duties which he was so ingenious as to find out? He expected from the hon. gentleman, when he informed the committee of the 2,300 volumes, that he would have at least referred to, or acquainted the committee with some of its voluminous contents. Had not the hon. gentleman time to extract out of his vast mass of information, some of the late answers and reports to both Houses of Parliament; some of the reports to the King in council, or immediately addressed to his Majesty himself; some of the correspondences carried on with the Treasury and Admiralty boards, with the secreta-

ries of state, and the great trading and commercial companies? No; not a syllable; the hon. gentleman referred his friends and adversaries alike, for he made no distinction, to his 2,300 huge and massy volumes. He put them off to Doomsday, and pointed sources of information to them, by which they could only profit in the other world. In respect of the foreign transactions of this celebrated board; this hospital for the maintenance of veteran authors, not upon half, but full pay: he sent the ignorant and curious to the same 2,300 volumes. He had declined to quote a single line of correspondence held with foreign consuls, with governors; or a single application or instruction, conveyed to our ambassadors, through the medium of either of the secretaries of state. But what of that? He guided with friendly hand the anxious enquirer to his 2,300 volumes.

The hon. gentleman, he observed, was fond of quotation, and that kind of quotation which best tells against an adversary, namely, the antagonist's own words, either remembered or collected from his writings. [alluding to Mr. Eden's quotation from the "Thoughts on the public Discontents."] This was what the logicians called *argumentum ad hominem*, and so far as it went was unanswerable, and here it went very far indeed! Because it was the opinion of the only person who would venture, or he presumed was hardy enough to defend this wretched board, the phantom of a long departed inefficient office. The authority he would quote, was of the first class, the author well known, his works greatly admired: he had written on the criminal law, and by a fertile imagination, bright imagery, and consummate judgment had so enlightened his subject, that a study in itself irksome, crabbed, and disgusting, was rendered rather an amusement, than attended with that severity of thought, and intense application requisite to unfold the labyrinths, which our more ancient law sages have led the young beginner into. He had lately opened an epistolary correspondence [Mr. Eden's Letter from Tunbridge and Greenwich addressed to lord Carlisle.] with a young nobleman, no less admired for his poetical productions, than the deep researches into the vast science of political knowledge: and had done more within a very narrow compass, than some of the greatest writers had been able to comprize in many volumes, nay, for aught that appeared, more than the Board of

Trade transacted in the course of a century, or than was contained in the 2,300 volumes. Whether it was the war, American independency, giving Ireland a free trade; whether it was in laying on taxes, paying off the national debt, incurring new burdens, or making discoveries of national resource; it was all contained in this delectable and pithy little treatise, or political manual. What did this great and respectable author say in his first epistle from Greenwich or Tunbridge? He desires his noble friend to look upon him as a person totally secluded from the political world; as a mere idle unemployed speculatist, ignorant of every thing passing beyond the pleasurable circle in which he then moved (for he hoped his hon. friend was not drove to Tunbridge Wells, in order to repair a broken constitution) sincerely declaring, that he had no information of what was going on, more than what he procured through the channel of the daily prints. If this great author, this high and respectable authority, happened to be one of the commissioners, and one of the most active commissioners at that board, he would submit it to the committee, if such a declaration did not deserve more credit, and of course went more directly to prove the total inutility of the board, than the whole contents of twice or thrice 2,300 volumes. The hon. gentleman would, he made no doubt, readily bow to the great authority he had now quoted, and would think with him, that the honourable commissioner would have hardly attempted to mislead his noble friend, for whose instruction he had taken up his pen, and through his lordship, likewise proposed to instruct the public at large.

After touching this with a mixture of ironical pleasantry, he then proceeded to argue the question at large, in which in a very able manner he endeavoured to shew, that the office of the board was useless; that Mr. Grenville, and almost every other minister for the last 40 years, had complained of it, as attended with a heavy expence and totally unnecessary, and that Mr. Charles Townshend, from his experience while at the board, had often held it up as an object of ridicule.

He concluded with observing, that the hon. gentleman, conscious that he was unable to make any impression on the understanding of the House, had endeavoured to excite its commiseration, by representing the effect of the present clause, as directed to deprive the clerks who had spent

the greater part of their lives in it, of their bread; and thereby throwing them upon the world advanced in years, and in a state of indigence, to starve. He would not willingly pay so ill a compliment to his hon. friend, as to suppose, that he had never read the clause; yet, he must necessarily do so; because he would much sooner impute this gross mistake or misrepresentation to negligence than design. He begged, therefore, that the hon. gentleman would take the trouble to re-peruse the clause, and there he would find, that the salaries were to be continued to the several clerks belonging to the board, till otherwise provided for.

Mr. *Jolliffe* disapproved of the present clause, though no person, in a general view, was more heartily convinced of the necessity of a frugal expenditure of the public money. He thought the object of the clause trifling, and doubted much, whether, though the saving were made, it would be proper to appropriate the savings in the manner proposed by the Bill. He was much surprised to hear the hon. gentleman affirm, that the Board of Trade was useless. He was convinced of the contrary. He had sat at it for several years; and from his own experience could venture to give the hon. gentleman's assertion a direct contradiction. A great deal had been said about abolishing useless or sinecure offices, and taking away exorbitant salaries, fees, perquisites, &c. It was the language which was held by the petitioners. No man in that House would go further in effecting such a reform, but then he hoped gentlemen would not use an argument which could only apply against sinecure offices, against a real executive efficient one. The former he wished to have abolished; the latter he would never consent to, till evidence, at least, was adduced to prove, that it was no longer necessary or useful. An hon. gentleman (Mr. Fox) early in the day, had said, that parliament dare not refuse to comply with the petitions of the people, and from thence drew a conclusion, that the rejection of the present Bill would be a rejection of the petitions of the people of England. For his part, he was at a loss to know, from what premises the hon. gentleman drew his deduction; for if he understood the prayer of the petitions, it went, as he said before, not to the abolishing an efficient office, but those places which required no attendance; or if they did were performed by deputy, and brought in to the principal enormous

incomes, infinitely more than were adequate to the services performed.

Governor *Pownall* said, upon this very serious and important occasion, he had with the best attention that he was capable of applying, and with the best intentions weighed in his own mind the propriety, the policy and the justice of the ground whereon the steps which they were about to take are to begin; that he had attended to the reasoning of gentlemen on this subject, with that respect which their characters and their opinions deserved, and to the law reasoning of professional gentlemen, with all the caution that their arguments and opinions required; that he was founded upon the judgment of one of the ablest advocates, one of the first of orators, one of the greatest of politicians, in declaring that the profession from a habit, always contracted in the practice, had a natural tendency to form the mind to an undecided vague habit of thinking, and an academic sceptic habit of reasoning. Cicero was the authority referred to, who confessed this of himself in express and direct terms: that while he wrote as an academician, he could be a stoic on one side of the question, and an epicurean on the other. The arguments which respect this ground go to those reasons which might or could not justify the House in interfering in any office or establishment which is included in his Majesty's civil list. That the result of thus considering, and attending to the arguments of others, had convinced him of the impropriety both in point of policy as well as justice of the House, of interfering by an act of the House in any part of the civil list applied to his Majesty's personal dignity or the support of the royal family or his household.

But those arguments did not apply nor extend to the establishments of the state. There was an essential difference between the one case and the other. In the one, the arrangements of the establishment were made by his Majesty, as his immediate and personal concern. In the other case, the arrangements of the state, the civil establishments, respected the kingdom and people at large: and the legislature had not only a right to make regulations in them, but had in many instances done it. However, this was not the time to discuss that point: but when the proper time did come, he should move something that he flattered himself would meet the concurrence of both sides of the House; however, let that matter be as it

will, the subject of the present debate, the establishment of the Board of Trade, stood upon quite a different ground. It originated in parliament, was a parliamentary arrangement, began as an experiment, and had at different times taken different shapes. After this, he proceeded to examine the several points which Mr. Eden had stated, respecting the powers and authorities given to the Board of Trade; as also the several points contained in the account given by Mr. Eden of the duties of that board. Under the first head of their powers and authorities, that of their general superintendence of trade, and their interfering with every branch of it, either by encouragement or discouragement; he said their best merit was, that they had done nothing; and had not been mischievous, as the execution of those powers would naturally have led them to have been.

That under the next head of the state of the poor and the method of employing them; as he could not find they had done any thing, he naturally looked to (as the public at large did) an hon. gentleman within a little distance of him, (Mr. Gilbert) who upon that subject he considered as the only board of trade that he knew of. Then pursuing, in the course in which Mr. Eden had mentioned them, the several powers, authorities, and duties of that board; he shewed that the greatest part, since the separate establishment of the secretary of state, was done by that officer. That another main branch of their business was done by reference to the law officers of the crown, and to the council of the board of trade. That the business which they did, by reference from the privy council, might be done at any time by any one clerk of the council. That the only business which seemed to remain with them, was the hearing complaints of the people of the colonies against the governors and other officers of the crown; but that in this branch also, they had been superseded by the privy council; for when the complaint against the late governors of Massachusetts Bay, was preferred by the legislature of that province; the council, and not the board of trade, took cognizance of it, and heard it, and gave judgment upon it.

One branch mentioned by Mr. Eden, as their business, was, that they were to form plans of treaties of commerce for ambassadors. He begged to know when the commissioners were sent as ambassa-

dors to America, whether they received any instructions upon commercial matters; if any such existed, he was sure that gentleman could produce them. Another branch mentioned was to superintend the trade between Great Britain and Ireland. He should be glad to know whether in the late occasion which parliament had to take that matter into consideration the Board of Trade had made any representations upon it. In the next article of their business, the coinage of this kingdom, he wished they could give any proof that the very important, beneficial, and meritorious services of Mr. Jenkinson, who lately undertook to conduct, and had effected that business, had received any assistance from that board. Mr. Eden had stated that the regulating the constitutions, legislature, and judicature of the colonies, was of the department of that board. Upon this matter, he said, he could speak, as giving evidence, that that board never did interfere in that business, but that it created a dispute with the colonies, in which the authority of the crown, being unequally committed, was always impaired. As to their superintendence over the settlement of Africa and the affairs of the East India Company, he should say nothing; for the very mentioning of it would be to libel and caricature the board. One of their duties was said to be the forming plans of government for new colonies. He should take notice only of two, West Florida, and the Ceded Islands. The first was so formed, that it created a civil war in the province, and the governor took one of his own forts by storm from his Majesty's troops. A truce, however, was made in the province, and the matter brought before the courts of law, and settled in the King's-bench, not by the Board of Trade. As to the plan of government of the Ceded Islands, the disputes which arose about admitting Roman Catholics into the legislature, was fresh in everybody's memory: and it was very well known that the first revenue that these plans of government were established upon, was superseded and abolished by the court of King's-bench. He added, that it was not a question now whether that board should be abolished, for by appointing a secretary of state for the department of the colonies, and separating that secretary of state from the board of trade, that board was *ipso facto* abolished, and remained in a state of annihilation.

Mr. Adam stated the question, as in-

volving not only arguments upon the particular clause, but general arguments relative to that part of the principle of the Bill, that regards the civil list. He first stated the impropriety of destroying the board in question, because that board, though the war now existing, by suspending commerce, might render it in some measure a sinecure, yet upon the return of peace, it would be necessary, perhaps more so, than at any former period, because the channels of commerce might receive an alteration from a change of circumstances, relative to the extent and nature of the dependencies of this country. That it was therefore absurd to destroy an office, because temporary circumstances might suspend its utility; and it was still more absurd, to appropriate the revenue, which paid that office, to different purposes, so as to make it impracticable for the King to re-establish that board, or a similar one, in case of necessity. He alluded to what Mr. Eden quoted, from Anderson on Commerce, relative to the appointments of the board, and the impracticability of the privy council executing that office; and said, it might appear vanity, but he had concluded the same from general argument, which that author had established upon incontrovertible facts that had fallen within his own observation, without having ever perused the author on the subject. He then went on to shew the dangerous tendency of impairing the prerogative of the crown, relative to the appointment of executive officers. That he made no distinction, and meant to make none, between the different offices paid out of the civil list, because he agreed with his learned friend (Mr. Dundas) and a right hon. gentleman (Mr. Rigby), that we could not, without proof of abuse, touch the civil list.

The hon. gentleman who spoke last had made a distinction between executive offices, and the offices of the household; he had said, the former might be curtailed, the latter ought not. Now, if he were to make a distinction at all, it would be to reverse that proposition. For he conceived it to be dangerous to invade the prerogative relative to such appointments: that the King was the only judge of what officers were necessary to carry on the executive business of government: that to restrain him from that power, was contrary to the constitution: that to say you shall have so many boards, so many offices, whatever the exigencies of the state might

be, was wrong: that this Bill did limit them, and was therefore justly entitled to the character of a new code of laws given to it on a former day. For what had the constitution done? Not restrained the crown from appointing officers, but merely restrained those officers from sitting in parliament. The Act of queen Anne did not say, the crown shall not appoint what number of secretaries of state it pleases; but that if the number is more than three, the fourth shall not sit in parliament. He then came to the principle of the Bill, that related to influence. He said, the Bill of Rights at the Revolution, had curtailed the dangerous prerogatives of the crown, but had left that which was necessary and safe: that among those, it had left the power of creating titles of honour, of regulating the number, and of naming to the offices of state, to the places of trust and profit: that if this prerogative had become dangerous, by an increase of numbers, the Bill restraining it might be proper; but if it had not increased, no alteration so dangerous to the constitution was to be made. He was of opinion, that it had not increased within the walls of the House of Commons, and thought he could prove it to almost mathematical certainty: that the Act of queen Anne prevented all those who held new places, created after the 25th of October, 1705, from sitting and voting in parliament: that various Acts from that time had increased the number of incapacitating places, down to the 15 Geo. 2: that therefore fewer placemen sat in parliament now than at the beginning of this century: that the tax upon places had taken effect since that time; and that the diminution of the value of money, by the increase of its quantity, had diminished the sum that the crown bestowed upon placemen: that, therefore, the influence within the House had been diminished both in number and value; but it had increased without, and therefore it was to be checked within doors. But was it reasonable to check it by an abolition of so just, so necessary a part of the executive power, as that of appointing more or fewer executive offices, according to the exigency of the state? A place bill in the old form was the fit measure, if it was to be checked within these walls, and not an impairing and diminishing, nay an abolition of the power of appointing executive offices, which had always, and must always belong to the monarch of this country, for the safety and welfare

of government, and for preserving that balance which was necessary to maintain the prince in the respectable situation that this mixt monarchy required. But the increase of the influence of the crown without doors, or any where, was to be estimated by the proportion the revenue of the crown bore to the revenue of the subject; if the first had increased more than the last, that revenue had rendered influence greater: but the direct reverse was true; the revenue of the crown remained stationary, or nearly so, while that of the people had increased tenfold since the Revolution, and consequently rendered the people more independent.

But, said he, supposing all this reasoning to be true, or false, it is necessary before we impair this prerogative, or diminish this influence (which one side calls corrupt, and another constitutional) to shew that it has done some harm. Has it hurt the constitution? No one complains of any violation there. Did it promote the American war? No. That was the war of the country, and the peculiar favourite of the country gentlemen; and the greatest abilities in this House are every day employed in exciting those gentlemen to oppose that minister whom they formerly supported in that war. But it may have fettered the executive hand of government, and prevented our success against France, Spain, and America. Without entering into that success, he merely hinted that fortune seemed lately to have turned, and he trusted that prosperity would now attend the single arm of Great Britain against the united force of her enemies. He went on to say, that he believed it to be a fixed principle that the same cause would always produce the same effect. He referred to the history of this country from the Revolution downwards, by which he shewed, that with the same influence existing, this country had been great and glorious abroad, rich, prosperous, and happy at home. That during that period William the 3rd had repelled and checked the domineering spirit of Lewis the 14th. During this period, and under this influence, this country had been rendered great and respected by the plans of Godolphin and the conquests of Marlborough. Under an equal influence, the peaceable ministry of sir Robert Walpole had increased the commerce and maintained the happiness of England; with the same cause existing, two rebellions in the heart of the country

had been repressed. And under similar circumstances and equal influence, the great conduct of lord Chatham had elevated the glory of Britain, while it shook the existence of the opposing states to their centre. And that of consequence the late change of fortune was not to be attributed to influence, whatever other cause it might be attributed to; for if influence had checked our success now, it would have done the same formerly. But economy is a principle of this Bill, and in his opinion, in common with all the world, a most necessary thing. He here marked out some sources of economy that had not yet been thought of. Particularly the simplifying the taxes, and by that means reducing both the expence and number of tax-gatherers. But, said he, the hon. gentleman, (Mr. Burke) who brought all this matter forward, said that we must economize our civil list, because France has economized hers. It was necessary, upon such a proposition, to compare the extent and application of those two funds in the different countries. In France, the civil list amounts to three millions and a half sterling: in England, it amounts to 900,000*l*. The civil list of France is applied only to the maintenance of the splendour and pleasure of the court. The princes of the blood have their separate estates. The judicial establishments are not defrayed out of it, and as far as he knew, none, or a very small part of the political offices. Whereas the 900,000*l*. per annum of England supports the brothers and family of the crown, maintains its pleasures and its splendor, pays the whole of the judicial, and a very great part of the civil establishments. In the one there was great room for œconomy, and the constitution from its nature could not be hurt; in the other there was little or no room for œconomy, and the constitution, by altering the balance necessary in a mixed monarchy, might be destroyed. But were we to promote œconomy in the civil list at the expence of the constitution? We were told the petitions of the people required it. No person, he said, would pay greater attention to the people than he would. That the present petitions of the people were the most numerous that ever had been brought to parliament. But were we, for that reason, to give up the deliberative power of parliament? We were sent here by our constituents to judge for them, to think for them, and to determine for them, not to obey implicitly the dictates of their

will. If we did, we lost and forgot the very essence of what a House of Commons was. Suppose the people were to tell us, this mixed government, the admiration of all foreign nations, and the happiness of this, is not sufficient for our liberty, we want a democracy, that liberty may be extended. Would this House agree to their request, and alter the government of this country, because the prayers of their petitions contained such a request? He did not say that the tendency of this Bill would be to throw the balance on the part of the democracy. He was afraid it would rather increase the power of another part of this constitution, a part which he respected for high birth, for a long line of ancestry, for abilities and virtue. But he did not wish to see that part too strong either for the king or people. He said, the reducing the power and property of the crown would be attended with giving powers to those who had most property, as power followed property: that a combination of rich and powerful nobility, might, upon the reduction of the necessary prerogatives of the crown, destroy and trample upon the democratical parts of the constitution: that all experiments upon a constitution like ours were dangerous: that our constitution stood upon a nice equipoise, with steep precipices and deep waters upon all sides, and by removing it from leaning to one side, we run a risk of oversetting it on the other.

Lord *Westcote* said he had the honour of serving his Majesty, as governor in two respective situations, Jamaica and South Carolina, and likewise as his Majesty's representative at a foreign court, (Portugal) and he could say, so far from finding the Board of Trade an useless and inefficient board, that he had frequently derived great assistance from it. He entered into a detail of the duties of the board, and was satisfied in his own mind that no part of the public expenditure was more beneficially applied than the 8,000*l*. per annum.

Sir *Joseph Mawbey* said, that in all parliamentary enquiries, it had been usual for the members that were the subject of it to retire from the House; but, in the present instance, he found the rule deviated from. The lords of trade chose to remain, notwithstanding he had read in a morning paper that five of them intended to absent themselves. He hoped, however, that when the question should be put, the said lords would retire. It was the more ne-

cessary to give this hint, because he believed it would be a close division, and the gentlemen whose places the present clause proposed to abolish, might have it in their power to turn the scale in their own favour. He thought it not improper to call to the recollection of the House, the affected candour which he saw practised upon a former occasion, and said if it was a good rule at one time it was invariably so, that members interested in the event of a question should never wait for the division. The affected candour he alluded to was that shewn by the noble lord over against him (lord G. Germain,*) upon an occasion in which he took a leading part, he meant relative to the noble lord's occupying a place created after the year 1705, which disqualified his lordship from sitting in that House, in his opinion. When the question came to be put, the noble lord withdrew, saying, that he could not think of giving a vote upon a question respecting his own seat; but this very disinterested conduct was easily accounted for from the apparent sense of the House; for when the division took place, though the House was tolerably full, no one went out in support of his motion but the mover himself and the hon. gentleman who seconded it. When, however, upon a recent occasion [See p. 193] the event of the division seemed to be doubtful, the noble lord was not quite so delicate, for he staid out the debate, and divided on a question in which he was equally interested. This assertion was contradicted out of doors. He trusted therefore that the hon. gentlemen who would be affected by the present clause, should it be agreed to, instead of an affected delicacy, would adopt a more open and manly part by withdrawing, and thereby avoid exercising a judicial opinion in a matter in which their personal interests were materially concerned.

Sir *Edward Dering* adverted to the conduct of a right hon. gentleman, respecting his principle, that the House had no controul over the King's civil list. He was sorry that the right hon. gentleman had started a question, and ordered his friends to vote for the order of the day, to prevent its being put. He should not have wondered to have heard him say to the minister, "you are a very honest clever

sort of a man, and I like you very well, but I could wish to get you turned out, that I may put a man of my own in."

Mr. *Rigby* did not care to have the motion he suggested, put to please the gentlemen in opposition, when he knew they did not wish it, but had only endeavoured to irritate him to what they did not desire. When he said the parliament had no controul over the King's civil list, he never meant to say that they had no over-ruling power in any case whatsoever. They certainly had. But there ought to be some abuse of the civil list first proved.— If the judges' salaries, for instance, were unpaid, or refused, that would be an abuse, and parliament could have a right to enquire into it. With respect to the people of England, he thought their petitions truly respectable, and that the minister could not decently remain in office, if the voice of the people was against him.

Mr. *Fox*, in answer to the assertions of the right hon. gentleman, declared that he would not retract from the declaration he had made on a former day, and he wished instantly to meet him on that ground, and decide upon it. He had declared that if such a doctrine was established, they must go to another place, and rescue themselves from slavery by other arguments than words. He called upon the Speaker, as the highest legal authority in the kingdom, to tell his opinion, whether there was not, in the constitution of parliament, an inherent right in the representatives of the people to controul the exercise of any power in the crown, that tended to support a government by influence and corruption, against the voice of the people, against the redress of every national grievance, and in subversion of the freedom and independence of parliament.

As soon as he repeated this expression, which he did more than once, the Speaker's secretary rushed through the side gallery, and repaired instantly into the Speaker's chamber.

Sir *Fletcher Norton* now made his appearance, and took his seat on the Treasury-bench, and Mr. *Fox* having again repeated his wish that the right hon. gentleman would give his opinion on the competency of that House, to enquire into and controul the civil list expenditure, said that it would be indeed great arrogance in him to apply what had fallen from the hon. gentleman who had just sat down to himself, relative to a great authority, a high

* See the Debate on the Right of lord George Germain, as Third Secretary of State, to sit in the House of Commons, Vol. 20, p. 250.

character in his profession, of great weight and ability, &c. Yet, as a particular part of it, respecting his presiding in that chair, could apply to no other person, he thought it incumbent on him to rise, and after so direct a call, not to remain silent on a question of such infinite magnitude. Before he troubled the House with his sentiments, which whenever he delivered them there he did with infinite reluctance, he should be glad to know whether or not the hon. gentleman directly pointed to him.

Mr Fox observed, that as the right hon. gentleman was not present in the House when he first rose, he begged leave to inform him that it was to him he alluded, and that respecting the proposition suggested the preceding Wednesday, by a right hon. gentleman on the floor (Mr. Rigby.)

Sir Fletcher Norton then proceeded. He said, since he had the honour of presiding in that chair, (pointing to it) he had on every occasion avoided as much as possible, giving any opinion respecting matters which came before the House. His duty and inclination led him to adopt that mode of conduct. His duty, lest from the honourable station he filled, his mixing in debate, without arrogating any thing to himself, might be supposed to create an improper influence, in some of his hearers; and his inclination forbade him, because he knew from experience that whatever he might support as an individual member, might be apt to bias his judgment in his other character, that of Speaker, when he came to preside in the House. It was true, that the mode and order of proceeding did not preclude him from speaking in a committee; the House was now in one, consequently within the most rigid rules of order, he was as much at liberty to deliver his sentiments as any other member, and he was ready to acknowledge that he had more than once, soon after he was called to his present honourable station, exercised that right. But he could not say for what reason, but so it happened, that he found whenever he had exercised it, his conduct was liable to misinterpretation, and that whatever he offered, as arising from his own feelings and judgment, was deemed rather as taking a step out of the proper duties of his office, which were said to be a strict observance of whatever might tend to impress on the House the most strict impartiality and indifference.

He had not long presided in that chair

when he discovered what was deemed the proper line of conduct for him to pursue. The House was in a committee on a most important Bill; the Royal Marriage Act, in the year 1772. He did not wish to intrude his sentiments on the House, but being called upon to give his opinion on a question of law, directly in the way of his profession (as he was now upon a more general question of constitutional law), he had the misfortune at that time, by complying with the seeming wishes of the House, to give some persons very great offence, which he could assure them he by no means intended.*

Thenceforward, he endeavoured to avoid as much as possible mixing in the debates, or of giving his sentiments, but when it seemed to be the united sense of the House. Whether the motives which gave rise to those ill-founded misinterpretations of his conduct, but which he could confidently affirm were dictated by a sense of duty, were as pure as those who urged them were willing to represent, he was not prepared to say; but this he was ready to acknowledge, that he had experienced in himself a propensity to wish success to that side of the question which he had supported in the committee, as soon as the House was resumed. He felt his mind warped, and a certain bias hanging on it and bearing it down, consequently, though he might not be converted to the

* What sir Fletcher alluded to here was that clause in the Royal Marriage Act, which subjects those who shall or may be privy to or present at any marriage solemnized with any of the descendants of George 2, contrary to the provisions of that Act, to a *præmunire*. Upon this occasion sir Fletcher contended that the punishment ought to be defined; as well as the crime created by the Act; that the word *præmunire* had never been legally defined; that it was a species of offence created by a particular Act passed in the reign of Richard 2; that it created or vested a power in the King's judges to punish the offender at discretion, to any extent short of a loss of life or member; and that such an undefined power was no less repugnant to the common and statute law of the land, than to the scheme and spirit of the English constitution, and the immutable principles of natural justice, which is supposed in one instance to proportion the punishment to the previous risk the offender knows he is liable to run, where the law is merely *malum prohibitum*, and where it is *malum in se*, that the punishment should be as nearly as possible proportioned to the real turpitude and enormity of the crime. See Vol. 17, p. 422.

opinions of those who wished him to be silent upon every occasion, he was satisfied that the seldomer he mixed in debate, the more likely he would be to avoid giving offence to either side of the House.

He was obliged now to understand the hon. gentleman as calling upon him, to give an opinion on the present Bill, at least so far as the principle of the Bill was connected with the proposition suggested by the right hon. gentleman (Mr. Rigby) the preceding Wednesday. He professed his total inability to give his opinion on the provisions which the Bill contained; they were various, extensive, and in some instances complicated, and involved a great number of objects. The duties incident to his station in that House, had, in a great measure, absorbed all his time, and would not permit him to investigate the Bill, in all its parts, relations, and probable consequences, in the manner a subject of such vast importance required, so as to enable him to give any opinion with safety, or with satisfaction to himself. Since he was up he would deliver his sentiments, crude and indigested as they were; they might be erroneous, but he assured the Committee they would be sincere.

The Bill, as it presented itself to him, held out two objects, that of promoting an æconomical expenditure of the public money in general, and the diminishing the influence of the crown. One part of the plan of general æconomy went to a reform and reduction of that particular part under the name of the revenue or income appropriated to the expenditure of the civil list, which, as he should explain by and by, ought to be considered into two lights, that destined for the domestic support and maintenance of the sovereign, and that which was meant to be applied to public services.

The hon. gentleman who brought the present Bill into the House, deserved well of his country. He had sent him the Bill, in order for his opinion, and to know whether he approved or disapproved of it. He must acknowledge that he was prejudiced in its favour, by the very able and eloquent speech the hon. gentleman made on his motion for leave; one of the most instructive and entertaining he had ever heard in that House or out of it; so much so, that however high he held that hon. gentleman's parliamentary talents, it served to confirm him in the opinion he had long entertained of his unrivalled abilities. But

to return, notwithstanding every previous prejudice created in his mind, when he came to examine the Bill, he was free to confess that the two principles which appeared in it, did not strike him with equal weight. He could easily see the right of parliament in general upon extraordinary occasions, to controul the whole of the civil list expenditure; but then he thought that the necessity should be shewn, otherwise he could not help thinking that any enquiry or controul would be premature. Nothing of the kind, or at least nothing positive or distinct had been pointed out; and this suggested to him the distinction which he had some time since formed, that is, a distinction between that part of the civil list appropriated to the special purposes of government, and that other part applicable to the expences or maintenance of the King's household. The former he thought directly and immediately within the controul of parliament, or indeed rather resulting from the nature of a public trust. The latter he thought stood upon a very different ground, and bore as near a relation as possible in its nature to private property. There were instances in which it might become very proper for parliament to interfere, respecting even this part of revenue of the civil list; but though parliament had a right to interfere even in the regulating of the expences of the King's household, yet so far from wantonly interfering, there should be good ground even for controuling the expenditure of that part of the revenue appropriated to public uses, such as the salaries of the judges, ambassadors, &c. To apply these general premises to the Bill then before the House, he had no doubt in his own mind, that the controul which went to regulate the part of the expenditure not appropriated to the King's domestic expences, was not only right in principle, but wise, necessary, and expedient at the present crisis, and the general state of this country, borne down as it was with enormous burdens, and increasing taxes; but while he said this, he deemed it his duty openly to declare, that he totally disapproved of that part of the Bill which proposed the abolition of the several royal domestic establishments, and as he had been thus explicit he thought it proper that he should assign the reasons he had for this opinion.

On his Majesty's accession, a gross sum of 800,000*l.* per annum, was accepted of in lieu of the several existing duties ap-

propriated to the maintenance of the civil list. At the end of eight years, ministers came to parliament for a sum of money to pay off an arrear incurred, which was supposed to amount pretty nearly to what the crown had relinquished, by the acceptance of this gross sum. In eight years after, since he had the honour to preside in that chair, ministers came again on a similar errand, with a further request of an annual addition to the gross sum first granted of 100,000*l*. For his part, though he did not pretend to speak from his own knowledge, he had every reason to believe, that 800,000*l*. a year was fully equal to the maintaining the dignity of the crown, with the greatest lustre. The majority of that House thought otherwise, and perhaps very properly, and they granted the additional 100,000*l*. Such being the fact, such being the claims of the crown at the time, and the necessity for the increase stated, he must confess he was totally at a loss to know upon what ground that House could proceed to resume not only the additional increase, but a considerable part, if he understood right, of the original gross sum granted at his Majesty's accession. When the application was made in 1777, was, in his judgment, the time to make a stand; it was now too late, at least so far as the present Bill went to a reduction of the royal expenditure; because, if he recollected right, the arguments, and of course the conclusive sense of the House, all turned upon the single circumstance that the grant upon his Majesty's accession was totally inadequate to the increasing necessary expences of the royal household; a numerous family since that in a progressive state of increase, and, in short, every difference gentlemen feel in their own domestic expences, from the necessities and conveniencies of life being enhanced in their value.

What particular weight those arguments carried with them he could not pretend to say, but until the facts and arguments upon which the House then proceeded to vote an addition to the civil list revenue were disproved or given up, he must continue to think that that House could not lay any just claim to consistency, if they proceeded to resume the grant they had made, so far as the expenditure of it applied to the King's household expences; consequently, while he was ready to support that part of the hon. gentleman's Bill which proposed to regulate the expenditure of the civil list, which was ap-

propriated to public uses, he could not think it proper to interfere in the arrangement or controul of the King's household or domestic expences.

There were several other clauses, in the hon. gentleman's Bill, highly worthy of the attention of that House; and there were other propositions suggested by him, to be wrought up into Bills, of which he highly approved; he meant the sale of the forests, and crown lands, which his particular situation, as enjoying a place under the government, gave him opportunities of knowing. The general cry of the people without doors, was against sinecure places. He was certain none in the common execution of the office he held [chief justice in eyre of the forests south of Trent] could better deserve the appellation of a sinecure, than his did. It was not so profitable as it was reported to be; but yet it was much in his opinion too profitable, for the duties annexed to it. Be that, however, as it might, he could say, that under the idea of a general reform, he was very willing to submit to the consequences, so far as it respected himself. He had not, however, been unmindful of his duty, as far as a discharge of it could answer any good or beneficial purpose. He had made every enquiry, which his other avocations would permit, particularly his attendance in that House; and he was enabled to say, that the powers vested in the chief justice in eyre, were such as ought not to be exerted; and if not exerted, answered no one purpose, that he knew of. Many applications had been made to him, to enforce the powers vested in him by law. He had resisted them, because if exercised, he was clear, that they would lead to the greatest hardships and oppressions; and would militate against the general scheme of the constitution, and the principles of the common law; but nevertheless, he had good reason to believe, they might be well justified under the idea of legal oppressions authorized by the forest laws. On the other hand, the not enforcing them, left the forests, thus vested in the crown, of little or no service; and in fact, became a source of petty injustice, to the advantage and benefit solely of a few individuals.

Under this impression, though he might and presumed would, be a sufferer if the forests were disposed of, he was ready to give up his interest in the tenure he now enjoyed, as in his opinion, so far as the sale of the forest and crown lands went,

nothing could more effectually tend to serve the public, to remove an existing grievance; and to promote internal cultivation, and improvement. He wished the hon. gentleman every possible success in the future progress of his Bill, and assured him of every assistance it was in his power to give him.

He next spoke of the petitions, and said, that most undoubtedly it was the inherent privilege of the people of England to petition either House of Parliament, or any branch of the legislature. The present petitions upon the table, were the petitions of a most respectable body of people; the free electors of this kingdom, and so far as they were confined to the real objects of redress, not only deserved redress, but every possible attention, and respect in the mode of administering it. That House could not, nor dare not treat them in any other manner, he meant the House ought not, and whatever it ought not, it did not dare to do, and therefore could not do. When he said this, he was free to add, that although he approved of the petitions, he totally disapproved of the committees and associations. If they were not illegal, they were, in his opinion, extremely improper, and might terminate in consequences, which every good man, upon cool reflection, would wish to avoid. They had besides this evil tendency, that they took off from the weight of the petitions in that House; because they pointed to other measures of redress, while they were seeking it at the hands of their constituents assembled in parliament; thereby holding out motives of compulsion, and rendering that an act of necessity which ought to be the effect of consideration and conviction. He would not measure out on which side the majority lay; he meant of those who petitioned, or those who did not, but he believed, every person who heard him would agree with him, that the petitions not only contained matter worthy of parliamentary consideration; but that the persons from whom they came were deserving of every respect it was possible for that House to shew to so numerous, and respectable a part of their constituents.

This being his general sense of the Bill before the House, the petitions, and the authors of them; he had to lament, that the Bill had engrossed so much of the time of the House. The time was wasted, and so far as the subject matter of the petitions was concerned, he did not think that their proceedings wore the appearance

of doing business. The petitions should not have been permitted to lie upon the table so long without notice. Certain days, in each week, ought to have been allotted for taking them into consideration. The session was already far advanced; and he never knew delay to be productive of any good consequence when the principle to be supported was previously decided upon. The House should proceed to consider them with all imaginable dispatch and alacrity, to avoid every thing which might give a reason to doubt their sincerity; for it was scarcely possible that the petitions could be disappointed, if the prevalent language of that House, for some days past, might be safely trusted, and relied upon.

He said, no man, he presumed, was prepared to contend, that the government of this country, in its principles and texture, was not a limited one; that it had been so at all times, he had not a single doubt, however the constitution might have been violated, or departed from upon some occasions, and in particular reigns. It had perfect freedom for its basis, which was subject to no other restraint, but what was imposed by law. Every thing which contributed to make men happy as individuals or citizens, respecting both their personal and political capacity, was derived solely by, and from the laws. It was clearly a government by compact, in which every right or privilege held or enjoyed was qualified and conditional. Such was the title to the crown, and the enjoyment of it; such too, was the right of every subject. Every man in the commonwealth was for certain ends, and to certain purposes, bound by, accountable to, and controllable in some one shape or other. Such was the tenure, by which the sovereign held his crown, and such was the political and personal condition of every one of his subjects.

Every man was liable to violate the law, because every man was bound to obey it; and he was free to confess whatever errors or mistakes may have been committed in government, whatever evils they might have produced, no breach of either general duty or positive obligation could be justly imputed to the prince now on the throne, and no man would go further in preventing any measure which might have a direct or indirect tendency to intrench either upon the personal or political rights of the sovereign than he would. Nevertheless, parliament had an inherent right

vested in it of controlling and regulating every branch of the public expenditure; the civil list as well as the rest; but then as the civil list revenue was a positive, legal, vested right, the necessity for retrenchment ought to be fully, clearly, and satisfactorily shewn before parliament should offer to interfere. When, however, the necessity was clearly made out; it was not only the right, but the duty of parliament to interpose, and no less the duty and interest of the crown to acquiesce.

He had attended with all the industry in his power to the debate of the preceding Wednesday, and was ready to confess, that no person disliked more than he the coming to vote upon abstract questions; he therefore lamented at the time, that the right hon. gentleman (Mr. Rigby) had not coupled the question he proposed with the Bill, and met it fairly and distinctly. Such a conduct, on his part, would have saved much time and trouble. The principle pervaded every clause of the Bill. It was impossible to take a single step, but the principle eternally recurred. It is not, whether this or that reform or regulation is right or expedient; but whether the House is competent to entertain the question at all; whether it be not a breach of the compact made by parliament with the sovereign; in short, not whether the reform be necessary and beneficial to the state; but whether it has originated where it should, and can only originate? He foresaw the delays and difficulties this would throw in the way of the Bill; and what endless contention and debate it would be productive of; whereas if the point was decided, one way or the other, the fate of the Bill would either at once be determined, or it would very shortly make its progress through the House.

So much as to one part of the great object recommended in the petitions; he meant that of public œconomy, a thing at all times desirable, but at present from a variety of circumstances, both within and without, become absolutely necessary for the preservation of the state. The other part, relative to the influence of the crown, was palpable and notorious. It was impossible for any person, who sat so many years in that House as he had done, not to perceive both its actual existence, and apparent increase; consequently, it was the duty of every member in that House, who was himself a stranger to its effects, to do all in his power to reduce it, within

such proper limits as the constitution had marked out; and adopt and support such measures as might promise best to prevent the return of such evils hereafter.

He said, he did not take the present opportunity of thus publicly differing with the noble lord in the blue ribbon. The noble lord and he were not friends; he was not a friend to the noble lord, and he had repeated proofs that the noble lord was no friend of his: since a circumstance happened which was fully in the recollection of every person who heard him, he perceived, that the noble lord had withdrawn even the appearance of all friendship and confidence. He meant reporting the sense of the House, upon presenting the money bills, at the bar of the other;* since that period, all appearances had ceased on the part of the noble lord; and he was still at a loss to guess what just cause of offence he had given. What he had done was to the best of his judgment only in discharge of his duty. If he acted wrong, it arose from error, not from design; and whatever others might think, he had the satisfaction of having his conduct unanimously approved of by that House. He appealed to the noble lord, even since the coolness now alluded to began, whether whenever he was consulted upon any matter, he had not always been ready to give the best advice in his power. The noble lord seldom consulted him in person; but whenever he sent to him, he wished the noble lord to say, if he was not ready to give him every assistance, as far as his poor abilities enabled him. The noble lord was thoroughly conscious that he had; and he was equally well convinced, that whatever advice he gave was seldom followed. The noble lord and he, from a recent transaction, must henceforward stand upon the most unequivocal terms; his lordship's conduct was such, as to put an end to every appearance of mutual good will and friendship. The time was not yet arrived when it would be proper to make the circumstances of this transaction public. If the noble lord did not do him justice he would state the particulars to the House; and submit to it how far he was bound to remain in a situation where the performing the duties annexed to it was the pretext of doing him a gross and flagrant injury. He hoped he did not go too far, he trusted when the circumstances he referred to

* See Vol. 19, p. 213.

were made public, no person who heard him would think he had; and he could solemnly declare, that whatever his provocation might be, nothing was farther removed from his mind, or more contrary to his intention, than mixing any thing personal, in order to influence the opinion of the House, in the discussion of the present question.

He begged leave to assure the noble lord, that no respect was wanting on his part, he was ever ready to give the earliest assistance to the noble lord on every occasion; latterly it was true, though he treated the persons sent by the noble lord with the proper attention and civility due to them, his lordship troubled him but seldom; and whatever he advised was seldom carried into execution; but he was persuaded it was more for want of regard for the adviser, than any doubt respecting the goodness of the advice.

As to the point of influence, and particularly that part of it proposed to be taken away by the clause now under consideration; he was clear that the Board of Trade was useless and expensive as now constituted, and could answer no purpose, that he knew of, but increasing the influence of the crown, swelled much beyond what the constitution at all warranted. He was aware that the influence had always existed, and ever would; it was an appendage of the crown growing out of the constitution itself. It was not its bare existence that alarmed him; but the degree and extent in which it existed. He wished not to exterminate, but to modify and regulate it; and repress its inordinate growth. It was not influence to a certain extent, but the quantum he wished to have measured out and ascertained.

Lord North declared his total ignorance of what was now alluded to, or what grounds of offence he had given to the right hon. gentleman, which could induce him thus openly to say, that he was no friend to the right hon. gentleman, nor the right hon. gentleman to him. One part of the assertion he would not undertake to contradict; but he could safely and conscientiously venture to contradict the other; that of his being no friend to the right hon. gentleman. He believed, he must have been betrayed into this assertion by heat and passion; for he could most sincerely assure the right hon. gentleman that he ever had, and notwithstanding what now passed, should ever re-

tain a due respect for his person and abilities, and his conduct in discharging the duties of that chair. He was quite a stranger to what the right hon. gentleman alluded to, when he spoke of some recent transaction, and of some ill treatment he received, he supposed from his hands, followed, too, with an express declaration of making it a subject of public appeal. If he had done any thing which justified the threat now thrown out, he protested it was entirely unknown to him; and had no doubt but the right hon. gentleman would be convinced, that he had proceeded upon misinformation and mistake. If any negotiation was carried, or carrying on, it was more than he knew of.

Sir Fletcher Norton rose in some warmth, and said he was surprised, how the noble lord dared to assert to his face, that he was negotiating with him. If there were, as he had little doubt of it, negotiations carrying on, the noble lord must know, that he was not one of the parties negotiating. He assured the committee, that he never had, nor ever would be concerned in a negotiation with the noble lord; and if the noble lord did not immediately explain his words, he was determined not to rest silent under such an imputation, but would instantly reveal all he knew of the transaction. It was, indeed, a piece of common justice, he owed to himself, not to sink under the hints and unfair and ill-founded insinuations of the noble lord.

Lord North appealed to the committee, if he had said a syllable which did or could admit even by the utmost ingenuity, the interpretation put upon his words by the right hon. gentleman. So far from saying that the right hon. gentleman was concerned in a negotiation, he had declared his total ignorance of any negotiation at all having been on foot. The right hon. gentleman had, however, given the committee to understand, that some negotiation was going forward; and seemed to point at him as being concerned in it. He declared he was still a stranger to what the right hon. gentleman meant; but as he seemed to threaten to make it a subject of public appeal, he by no means wished, that any thing, so far as it might relate to himself, should be concealed.

Sir Fletcher Norton said, he would not be trifled with, and if the noble lord did not expressly assert, that he had never been concerned in a negotiation with him, he would state every particular circum-

stance, relative to the transactions, to which he had been alluding.

Lord *North* said, he was totally at a loss to discover the drift and tendency of the right hon. gentleman's discourse. If, however, it was directed to make a discovery of what ought to be revealed, he should ever disclaim the idea of wishing to stifle or conceal what ought to be made public. He assured the right hon. gentleman, that it was never his wish or intention to give him any just cause of offence; but, be the consequences what they might, he wished to remind the right hon. gentleman, that the matter wholly originated with himself; for he had nothing personally to hope or fear upon the occasion.

Sir *Fletcher Norton* then said, that he had been applied to by a noble lord, then at the head of administration (the duke of Grafton) upon the death of the late Speaker, sir John Cust, to accept of the very honourable situation he then held. He had, indeed, been strongly solicited to accept of it before he did consent; because he was no stranger to the great weight which was necessarily to be borne, by whoever filled that chair. He had, besides, other reasons of a very forcible nature, that furnished motives which rendered him still more reluctant to comply with the request. An hon. gentleman in his eye (Mr. Rigby) was sent to him, by the noble lord then at the head of administration, to prevail upon him to accept of the nomination of the minister. To this he had very strong objections. His answer was, if he should accept, it must be understood, that he by no means meant to be taken out of the line of his profession; and that, consequently, the way whenever an opportunity offered, should be kept open for his return to Westminster-hall; and when his character, his standing and his general pretensions, were considered, he believed, it would not be deemed arrogance or vanity in him, to say, that he was then at the head of his profession, as a common lawyer.

Till he was provided for, in the way of his profession, for that was the precedent condition of every thing which followed; he was to have the sinecure he then enjoyed. These were the terms which were offered; it was upon these terms he accepted of the place he now held. He had, however, lately heard, what he must say greatly surprised him, that there had been a negotiation on foot: he had it, indeed from the best authority, no less than

the first law officer of the crown; that it was in agitation to remove a certain chief judge (Mr. W. De Grey) and to give him a pension, and to put another person in his room (the Attorney General). He had no doubt of the hon. gentleman's abilities, but considering every circumstance, which applied to that hon. gentleman and himself, he did think, he went not beyond what the assertion would bear him out in, when he affirmed, that neither in point of standing or professional reputation, the person to whom he was alluding, stood fairly between him and the claims he had upon those, who induced him to quit those habits of life, and professional views, which were incident to his then situation.

He had heard from the authority now quoted, that such a negotiation was on foot; he meant a negotiation between a certain chief judge and the minister, for the purposes already described, and took the earliest opportunity of obtaining a full and explicit declaration upon the subject, from the minister. He knew the noble lord was no friend of his, and took every precaution in his power, to prevent his lordship from taking any advantage in one shape or the other. He accordingly informed the noble lord, previously of his intention of calling upon him, upon an affair of business, and desired in the letter, that the noble lord would have some person present, who should be able to report what might pass at the interview. He called accordingly at the noble lord's house in Downing-street, but was much surprised when he did call to find the noble lord alone. He explained his business, though he confessed, he was much astonished to perceive, that the noble lord, so far as such a circumstance might be supposed to operate, had in part defeated the object proposed by the interview, that of putting it out of the power of the noble lord or himself, to misrepresent or misconceive whatever should pass upon the occasion. So it was, however, and he could not say, but he was greatly disappointed when he proceeded to explain himself upon the subject which induced him to call upon the noble lord, to find that his lordship affected to be a total stranger to the original transaction, on which his claim in the professional line was founded; and which the right hon. gentleman (Mr. Rigby) was well acquainted with; namely, the condition on which he accepted of that chair; a condition,

that a return into Westminster-hall should be open to him whenever an opportunity offered.

He trusted, that the committee would believe him, when he affirmed, upon his honour, as a gentleman, that he never meant to challenge their attention, upon any subject merely personal to himself; but thinking at all times, that nothing should be kept more pure and unpolluted, than the fountains of justice, he felt when any measure was adopted, no matter under what pretext, that might even afford a colour for a suspicion that they were corrupted, or that any improper means had been resorted to for rendering the courts of justice subservient to party or factious views: he thought it a duty highly incumbent upon him to take notice of it. He could assert, and was ready to prove, that money had been proposed to be given and received, in order to bring about the arrangement, to which he now referred; and whenever a proper time came, he would prove it to the satisfaction of that House.

He meant to throw himself upon it for protection; and he entertained no doubt, but the House would take up the matter in a proper light, and decide accordingly. He went into a variety of particulars of less moment; and concluded with assuring the committee, that from the very high obligations, and the gratitude resulting from a full and perfect consciousness how little he deserved them, which he owed that House, he was determined to conform his whole conduct, in this business, agreeably to their sense and wishes. He trusted, however, that after a certain period, they would give him one further mark of their indulgence, in permitting him to fly from a situation, which had no possible inducement to continue him in it, but the pleasure resulting from a grateful return of their many signal and unmerited favours.

Mr. *Rigby* spoke to the original transaction, as far as he knew of it. He said, he had been solicited by a noble duke, then at the head of public affairs, to deliver a message, substantially the same as that reported by the right hon. gentleman; that the right hon. gentleman had to the best of his recollection, stated the particulars with all possible candour and correctness; but as well as he could charge his memory at this distance of time, he never understood, that any of those particulars came regularly or pro-

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perly to the knowledge of the noble lord in the blue ribbon.

Lord *North* rose to declare, that he did not look upon himself responsible for any promise which might have been made by his predecessors in office. The right hon. gentleman had proved to the satisfaction of the committee, and he was persuaded of every other person who had heard him, that such were the considerations on which he accepted of that chair; but he could fairly answer, that he neither knew of the transaction at the time, nor looked upon himself bound when he did come into office by any such promise. There were other parts of the right hon. gentleman's speech, to which in point of fact he could not accede; he meant, that assertion, in which the right hon. gentleman undertook to say, that there was a negociation on foot, such as he had described, and that money had been proposed to be given and received. He assured the right hon. gentleman, that he had been grossly misinformed; and as he was accused of being one of the acting parties, he was entitled to say, that no such negociation was on foot. The right hon. gentleman made a ground of accusation against him, that when he waited upon him at his house in Downing-street, a third person according to his previous desire had not been present. To this he could only answer, that he was extremely sorry there was not a third person present; for if there had, he made no doubt, that what was now brought forward in a stile of high crimination would have been so perfectly and fully explained, as to have rendered this public appeal totally unnecessary.

A long personal altercation now ensued, consisting of a number of assertions and contradictions, till at length

Mr. *Dunning* rose to the question, and in a short but masterly speech, proved that the Board of Trade was useless, that it was no more than a mere appendage of administration, no matter what administration were composed of; and that consequently it ought to be abolished.

Mr. Attorney General *Wedderburn* said, that while the conversation which the committee had just heard between a learned gentleman and the noble lord near him, was going on, had he attempted to rise, the committee might have thought his intrusion improper; and some gentlemen might have imputed it to a desire of stopping what it was neither his interest, nor

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his wish to suppress. But the conversation being now over, he could no longer remain silent, nor suffer the committee to go away with an impression, that he wished them to suppose him altogether unconcerned in what had been said. The committee had heard a great deal about negotiations and promises relative to places; he begged leave to assure the committee, that he would not accuse the noble lord of a breach of promise to him, because he never would negotiate for emolument out of the line of his profession, nor preferment in the line of it, with the noble lord, or any other minister. He said, he had now served his Majesty for ten years in the several offices of Solicitor and Attorney General; that he had endeavoured to do his duty in those offices with all the zeal and ability he possessed; that he hoped he should not be accused of presumption, if he hinted, that in that course of time he had received frequent marks of the intended bounty of his royal master, an honour he highly valued, on account of the quarter from whence it came; but that his uniform rule had been, to pursue the line of his profession without looking to emolument, unconnected with it, and unmerited by him; that the learned gentleman knew that he never treated, that he never negotiated, that he never solicited office, that he never would solicit it, but that, as had hitherto happened, he would not go to it, it should come to him; that he would not so disgrace the profession he belonged to, so demean his own character, and betray the interests of his country, as to seek for sinecure emoluments, as a compensation for quitting a profession by which he could maintain himself independent, without any expence to his country. The right hon. gentleman had said, that he had got the great sinecure he enjoyed, as a reward for doing the law business of the privy council, there being at that time no person of the profession belonging to that court. Surely, said he, the learned gentleman has forgot, for at that time the then chief justice of the Common Pleas—[Here sir Fletcher Norton said, no.]—But the Attorney General went on, I beg the right hon. gentleman will recollect himself. Sir Eardley Wilmot, the person who now does the business of that court, was then of that council, the present master of the rolls, the present chief justice of the King's-bench, the then chancellor; in short, all the persons of the law that usually belonged to the council.

He said, he knew the great respect due to the character and situation of the right hon. gentleman. No doubt, when the learned gentleman honoured a committee with his opinion, and spoke from that bench, he reduced himself to the level of any other member: but he had been so much accustomed to see him in that chair, the dignity of which he supported with so much strictness, that he could not separate him from his office; he, therefore, bowed with reverence to his great and respectable character, and would combat the weight of his opinion with all the deference that was due to it. He was fully sensible of the justice of the right hon. gentleman's remark, with respect to his unfitness for a law situation, when compared with the character of the right hon. gentleman. In proportion, as he thought highly of the learned gentleman's professional abilities, he thought humbly of his own; the learned gentleman had said, and truly said, that in point of character, of standing, pretensions and education, he was not equally qualified for a common law court with the learned gentleman: he was as ready to allow his superiority, as the learned gentleman had been eager to assert it. But when that gentleman quitted Westminster-hall, to slide first into the enjoyment of a great sinecure, and afterwards to be exalted to the high situation he still held, he left behind him many who continued to labour, with industry and assiduity, in hopes that the line of preferment would be open to them, as a reward for their labours, and a gratification of their ambition. It was rather hard therefore, that the right hon. gentleman should, in addition to his other advantages, throw his mantle over those he had left behind him to toil in the profession, that he should check their preferment, and secure an exclusive claim to himself to return to the profession, not for the purpose of joining in the toil of it, but merely to enjoy those posts of dignity and honour which other men had in the uniform routine of business laboured to merit, and hoped to receive when their turn came. For his part, he said, he looked upon the office of judge to be in its nature and execution so delicate, that it was unfit for solicitation, that he felt the character as too weighty ever to think of soliciting such an appointment as a favour, while at the same time he owned, he had not such an opinion of his own insufficiency as to make him ready to say, that he would reject an appointment, if voluntarily offered by those

who were entrusted with the power of judging of the propriety of the appointment. Whatever honours his Majesty might chuse to bestow upon an humble individual, he would receive them with respect and gratitude; but he never would enter into a negociation with, or exact a promise from any minister.

He then turned to lord North, and in a degree of satire, and a warmth of eloquence, equally polished and poignant, equally severe on the Speaker and honourable to himself, but which suffers from our not being able to do it justice in this report: he said, with respect to his pretensions, he gave the noble lord a *carte blanche*; he declared, that as long as their political life went on together, he never would, upon any occasion, remind the noble lord of any promise he might have made to him—that he never would accuse him of breach of promise—that he never would be so forgetful of his own character, as to make private differences matter of public complaint, and that he would not so degrade himself, or be so lost to the decorum that was due to that House, as to call upon them to interfere in a private negociation, nor would he so humble his character as to make a difference with a minister the ground of his opinion, upon a great and important political regulation.

Mr. Attorney then went into a consideration of the clause in question, the tendency and consequences of which he placed entirely in a new light, and shewed, that the Bill, by enacting that the business of the Board of Trade should hereafter be performed by a committee of council, revived an exploded and universally condemned system of business. Committees of council had, as our history afforded repeated instances, been intrusted with the operative and executive powers in various departments of the national business, and long experience had proved, that from a multitude of different causes, committees of council had not answered their end in this respect; it was therefore from the fullest conviction, grounded on repeated trials, that the Board of Trade had been instituted with a hope of its being able to prove itself an efficient board, and to do that, which committees of council had been found incapable of performing. He rallied the Speaker upon his opinion respecting the influence of the crown being enormous, about the Board of Trade being useless, and about the futility of the distinction between the household and the

board under consideration, declaring that if the *ipse dixit* of any man, without proof, was to be the ground of decision, it was unnecessary either to argue or deliberate; and he concluded with shewing, that diminishing the power of the crown below its just proportion, would enable a selfish proscriptive aristocracy to rule the country, with all the tyranny attending such a government.

At a quarter past two in the morning the committee divided. For abolishing the Board of Trade 207; Against it 199; Majority for abolishing the Board of Trade 8.

Debate on Lord North's Bill for appointing Commissioners to state the Public Accounts.] March 13. Lord North rose and moved for leave to bring in a Bill “for appointing and enabling Commissioners to examine, take, and state, the Public Accounts of the Kingdom; and to report what Balances are in the hands of Accountants, which may be applied to the Public Service; and what Defects there are in the present mode of receiving, collecting, issuing, and accounting for, Public Money; and in what more expeditious and effectual, and less expensive manner, the said services can in future be regulated and carried on, for the benefit of the public.” The Bill was directed to three different objects. The first was to inform that House and the public, the real state of the accounts of the kingdom, that the nation might be informed how and in what manner the enormous sums which had been granted by parliament have been disposed of; the second was by ascertaining the outstanding balances, to enable government to compel payment; and the last by discovering the defects, to prevent such inconveniences in time to come. He confessed that the course of accounting at the Exchequer was far from being applicable to the increased state of the national expenditure. If on no other account, the inconvenience that arose from delay was obvious; it gave rise to suspicions there was no ground for; the cause being incidental to the manner of passing accounts. It was therefore a desirable object to remove those suspicions, while on the other hand it was equally to be wished that the public should at all times have full credit for the monies voted for public services. However earnest he was to promote those several objects, he wished nevertheless to proceed with circumspec-

tion, and recommended gentlemen to think seriously on the consequences of abolishing an old system, without being first thoroughly satisfied that the one meant to be introduced in its place was at least less exceptionable. The defects in the old mode of accounting arose chiefly from delay; in every other respect it was allowed to be unequalled; it would therefore behove parliament, when they were going to adopt a plan of expediting the passing of the public accounts, to see that no opportunities for introducing fraud might be introduced. He had reconsidered what had been thrown out upon a former day, respecting the fittest persons to be appointed to fill the commission, and was still of opinion that they ought not to be members of that House: first, because it would take up their whole time, and of course draw their attention from the business going on in parliament; secondly, that be the commissioners who they may, no matter from which side of the House selected, it would be deemed a party appointment. If named, or a majority of them named, from among his friends, much might and would be thrown out against the propriety of such an appointment. If from the other side, he was persuaded that similar objections would arise. On this idea he was determined that the persons he should have the honour to submit to the consideration of the House, should not be members of it; and to remove every suspicion, he meant that they should be such as enjoyed no place or profit or emolument under the crown. This was all he had to offer at present. He then moved for leave to bring in the Bill.

Sir George Yonge said, he should be glad to know whether the commission was to be perpetual, how many commissioners were to be appointed, and in what manner they were to proceed. He reprobated the exclusion of members of that House.

Col. Barré. It has been said that the noble lord has stolen my Bill from me. I will do him the justice to declare, that he has not; the Bill he has moved for is his own, and such as it is, he is entitled to the sole honour that will arise from it. The idea, indeed, upon which it is founded, was originally mine; but the noble lord has taken it upon himself: how far he has improved upon the idea, the public shall most certainly know, for I will move for the printing the Bill after it shall be once read, and then I will contrast it with that

which I intended to have brought in, that the public may judge which of the two Bills is best calculated to give the people that satisfaction they require, and are entitled to.

Mr. T. Townshend contended, that the noble lord's Bill carried on the face of it the strongest marks of ministerial deceit and imposition. It was not only delusive, but it contained a direct insult on the House. It impeached, at once, their integrity and abilities, and implied either one or the other of these two things, that half a dozen gentlemen could not be selected out of 558, of which that House was composed, equal to the task; or that being equal to it, they were not to be trusted. The pretence of party predilection was a mere trick. Were there no party men out of that House? Was faction and party confined within those walls? No; the same hopes, the same fears, and the same sentiments, according to circumstance and situation, pervaded every breast in the kingdom, of a station in life, at least, fit to be nominated in such a commission. The noble lord in one instance, as well as the other, would have the nomination; and if any influence arose on that account, it availed very little, whether his lordship selected his friends from the opposite benches, or picked them up in the street, or the next assembly he went to: besides, if members of that House were appointed, they would be doubly responsible; both in their places there, and as commissioners; whereas the persons to be appointed by this Bill, would only be amenable like any other set of individuals, to the courts of justice under the provisions of the Bill.

Mr. Burke said, he gave his most hearty negative to the present proposition; so far, in particular, as it went to exclude members of that House. He could not but think it a scandalous reflection upon them, and disparaging them in the eyes of their constituents, who would by this open stigma be told what kind of persons they were looking up to for a redress of grievances; for though the grievances chiefly complained of, were abuses in the expenditure of the public money, the principle of the proposed Bill amounted to an acknowledgment, that their representatives in parliament had neither honour, honesty, or ability to discharge the most essential part of their duty.

Lord Irnham said, that to inspect the public accounts was the peculiar province

of the Commons; and to delegate that power to persons who had not received it from the people, was what he would by no means consent to.

The *Attorney General* defended lord North for proposing, that no member of parliament should become a commissioner. Every former commission which had been formed of members of parliament, had failed to produce the effect; and the only one that had produced any good, was that of which Mr. Charles Townshend used to boast; and which that gentleman held to have been successful, merely because members of parliament had not been concerned in it. If the noble lord had had in view to give a *quietus* to a certain accountant, as had been insinuated, he must have worded his motion in a very different manner; for in its present form it could never answer that end.

Mr. *Dempster* was disinclined to have members of parliament excluded from the commission. He was of too little consequence to be a commissioner, but so great was his desire to see the national accounts put in a way of examination, that he was ready to become door-keeper to the commissioners, to hand them pens, ink and paper, and to act as their messenger, without either fee or reward. He felt himself much hurt, as an individual, that members were not deemed worthy of being intrusted with the concerns of their constituents. He trusted, that was not the case, though the noble lord's proposition clearly implied it; for he was fully convinced, that there were many persons, who now heard him, of as great abilities, as uncorrupt principles, and who entertained as great a regard for them, as ever sat in that or any other popular assembly.

Mr. *James Luttrell* could not sufficiently express his disapprobation of the minister's intention to appoint a commission of gentlemen out of parliament, and desired the House to look well to the danger it threatened; for if the minister could refer an enquiry into the public expenditure to persons out of the House, he might with equal propriety make the like reference of any other matter, by which the very nature and power of parliament would be totally done away.

Sir *W. Meredith* was of opinion, that there could not exist a character more despicable, than the man who could sit in the House, and patiently see the rights of parliament trampled on in the manner the noble lord attempted to trample on them.

Lord *Newhaven* very much disapproved of the motion, was confident there were many gentlemen in parliament, who would act up to the intention and end of the commission of accounts, and, for his part, was ready to give up his time and labour to it without any views of interest, or any thing like it.

Mr. Alderman *Harley* said he had for several years past heard the same subject touched upon. Gentlemen were constantly wishing for an inquiry into the public accounts, and never wished it, without throwing out the severest censure against certain persons, whose description he answered. As to an inquiry, he sincerely wished it. There was no one more ready than he was to meet it. He knew the character that had gone abroad of the present contractors, and knew that they were traduced and vilified. He himself was accused of being a public defrauder, but there was nothing more false and unjust. The contractors were greatly misrepresented, and the people of England grossly deceived and imposed upon. Conscious how little he had deserved the epithets applied to him, he had long thought of complaining to the House of it; for he conceived the House were in a manner bound to vindicate the honour of their members when injuriously attacked. His character had been unjustly traduced and abused in the upper House. A noble lord (*Shelburne*) had spoken of the contractors, as the hellish contractors, for that they had practised things that made humanity shudder. The noble earl had alluded to him in a very particular manner, and thrown out, that in Canada he had attempted as bad a thing as some particular gentlemen in India, when they made a purchase of all the rice in the country; for that they had endeavoured to get all the corn into their own hands. Nothing could have been uttered more false than this; it was a diabolical falshood, not that he should have regarded it so much, but that the noble person had not asserted what he had asserted in the warmth of temper, or heat of debate, but coolly and deliberately upon a motion on which the Lords had been summoned.—As to the state of his accounts with government, he wished from his soul that they were to be inspected into. They might at any time be looked into in the space of two hours, and he challenged the strictest examination into them, for he was well assured there was nothing more required to prove

how ill he deserved the assertions thrown upon him. He had been charged with making usurious contracts, than which no charge could be worse founded. He had no more than the profits usual in the course of business, and so far from being under an obligation to government, government on the contrary was obliged to him, as he gave the nation credit, frequently accepting and paying bills, and making investments before he was in cash or credit for government account.—He entered minutely into the nature of his dealings with government, and said he was obliged to give great credit; that his contract was to serve for Portugal coin; but as that was not at present to be had, English guineas were now exported in lieu of it. He again declared the suspicion he was obliged to lie under for the want of an examination of his accounts, and that at the late election for the county which his ancestors had represented, he was chosen with all the odium of the gold contractor, and the public defaulter, upon his back. He valued himself, he said, upon the noble blood of his family, it was an ancient family, and he was proud of preserving the honour of it, by being its representative in that House, for which reason he hoped the House would direct an inquiry into his accounts, as they might be prepared in two hours, and he thereby proved to be as deserving of their esteem and good opinion as his ancestors before him had ever been.

Mr. *Burke* said, it did not signify from what family the hon. gentleman had descended. It might, no doubt, be very ancient, and very honourable, but the House of Commons was not a court of heraldry. His birth and family had nothing to do with the question. They were not to connive at the malversations of a man because he was great, nor to punish him for being poor. He was sure what the hon. gentleman said would have great weight, but the paper he then held in his hand proved the necessity of an enquiry into the public accounts, for it proved the existence of the grossest abuse. The title of the paper was a charge for the purchase and exportation of Portugal gold, and now that the fact was enquired into, no Portugal gold had been bought or exported. The Portugal gold turned out to be English guineas, or remittances or acceptances in the course of negotiation of bills of exchange. This he observed, amounted to ingrafting one contradiction upon the stock

of another. The account stated Spanish or Portugal coin, then the remittances were in English guineas, and lastly in paper. He was glad to hear that the hon. gentleman could prepare his accounts in the space of a couple of hours, and wished, as that was the case, they were examined into without delay. He then adverted to the resolution of leaving members of parliament out of the commission, and insisted upon it, that it was nothing less than disfranchising parliament of their just rights at all times to enquire into the expenditure of public money. As to the case mentioned by the Attorney General, of a commission of accounts upon the plan at present proposed, he denied it was a case in point, for that the commission alluded to was not to examine generally into the expenditure of public money, but merely to liquidate some demands made upon us in consequence of the German war.

Mr. Alderman *Harley* said that the title of the paper was the same as it had been for twenty years past. Portugal coin was said to have been purchased, but only English guineas were actually bought. This he allowed to be somewhat improper, but it was at present as it had been for many years past. It had been precisely so during the late war, during the administration of the late earl of Chatham, while Mr. Pitt, and it was necessarily the case, because it was against law to export the current coin of the kingdom, and the wording of the account was agreeably to the ancient usage of office. Unfortunately the balance of trade having been for some years past against us, in our commercial intercourse with Spain and Portugal, the gold and silver coin of those countries were become so scarce, that we were under the necessity of exporting the current coin of the kingdom. Means, however, had been adopted to prevent the evil as much as possible.

Mr. *Welbore Ellis* was of opinion, that it would be more proper to appoint persons who were not members to the commission; because, if none but members should be named, the commission might be vacated; for who could tell that the members so appointed would be re-elected at the ensuing general election. Whatever difficulties might arise, there was one point on which he had clearly made up his mind, that such a Bill had become absolutely necessary. He spoke in a double capacity, both as a member of that House, and a person enjoying a place of consider-

able trust under the crown. Under the former description he thought the trial was worth making; under the latter no person wished more sincerely to be relieved from the anxiety every honest and prudent man must feel in his situation, where he was supposed to hold public money in his hands, which never reached them. He was an admirer of short and clear accounts, and as such the Bill was entitled to his warmest support.

After some further debate leave was given to bring in the Bill.

Westminster Petition for an Economical Reform.] Mr. Fox presented a Petition from the City of Westminster, setting forth,

"That this nation hath been engaged for several years in a most expensive and unfortunate war; that many of our valuable colonies, having actually declared themselves independent, have formed a strict confederacy with France and Spain, the dangerous and inveterate enemies of Great Britain; that the consequence of those combined misfortunes hath been a large addition to the national debt, a heavy accumulation of taxes, a rapid decline of the trade, manufactures, and land rents of the kingdom: alarmed at the diminished resources and growing burthens of this country, and convinced that rigid frugality is now indispensably necessary in every department of the state, your petitioners observe with grief, that, notwithstanding the calamitous and impoverished condition of the nation, much public money has been improvidently squandered, and that many individuals enjoy sinecure places, efficient places with exorbitant emoluments, and pensions unmerited by public service, to a large and still increasing amount, whence the crown has acquired a great and unconstitutional influence, which, if not checked, may soon prove fatal to the liberties of this country: your petitioners, conceiving that the true end of every legitimate government is not the emolument of any individual, but the welfare of the community, and considering that, by the constitution of this realm, the national purse is entrusted in a peculiar manner to the custody of this honourable House, beg leave further to represent, that, until effectual measures be taken to redress the oppressive grievances herein stated, the grant of any additional sum of public money, beyond the produce of the present taxes, will be injurious to the

rights and property of the people, and derogatory from the honour and dignity of parliament: your petitioners, therefore appealing to the justice of this honourable House, do most earnestly request, that, before any new burthens are laid upon this country, effectual measures may be taken, by this House, to enquire into, and correct, the gross abuses in the expenditure of public money, to reduce all exorbitant emoluments; to rescind and abolish all sinecure places and unmerited pensions; and to appropriate the produce to the necessities of the state, in such manner as to the wisdom of parliament shall seem meet."

Mr. Fox said, that the petition was from the gentlemen, clergy, and inhabitants of Westminster, paying taxes. The persons who had subscribed it, had set their names to it voluntarily, and from a full conviction of the necessity of a general reform in the expenditure of the public money. He had an opportunity of going amongst the petitioners, and though the taxes were in particular burthensome to the cities of London and Westminster, yet he knew that they would bear them without murmuring, could they think the amount of them were properly applied. He trusted no gentleman would think the petitioners factious, for the House had not thought them so. They had already produced some good effect, and he believed the House would not dare to reject their prayer. When he used the word 'dare,' he did not mean to threaten the House, but only said they would not dare, because he knew they saw that they ought not to refuse giving the petitioners satisfaction. He said the different committees had held a general meeting, and had laid down a grand plan of association. The great object of redress, he said, would be pursued peaceably but firmly. The members were determined to act agreeably to the constitution, but with a proper spirit. He ridiculed the minister's appointing a commission of account, and pronounced it a farce. The noble lord would, in a commission so constituted, be his own judge; for he was to nominate the commissioners, and to pay them. The noble lord only having the idea of pension or place, could not think of filling up the commission with a placeman or a pensioner, though in fact the persons to be appointed under the present Act, must be rewarded for their trouble. They would be placemen with large sa-

laries, as soon as they entered upon their offices; they would be pensioners ever after, till they were provided for; and he knew of more than one instance, where, after a pensioner had been provided for, by giving him a place, his pension was nevertheless continued to him.—He adverted to the rum contract, and that part of the noble lord's speech, at which he challenged the House to call upon him, and remarked that his lordship wished to be an evidence as well as judge for himself. He had frequently been charged in the face of parliament, with entering into a fraudulent contract with Mr. Atkinson, but how did the noble lord exculpate himself? He told them, that he was imposed upon by Atkinson. What means did the noble lord take to bring the offender to justice? By instantly entering into another contract, at a higher price. His first contract was the same as that made by the victualling office; his second was still 9*d.* a gallon dearer. In the last, the noble lord said, he mistook currency for sterling; but now at the end of two or three years, what step had the noble lord taken to bring this public defaulter to public justice? No one whatever.—He again stated to the House, the necessity of paying a proper attention to the petitions of the people of England; the one he had just now presented, was signed by upwards of 5,000 electors. They were temperate, moderate and peaceable; but they were unalterably firm in their resolution of obtaining redress. They called for a full and satisfactory reformation; they were determined to have it.

The Petition was ordered to lie on the table.

Complaint against Lord North respecting the Purchase of the Borough of Milborne Port.] March 6. Mr. Temple Luttrell complained of "divers undue and corrupt practices respecting the election of members to serve in parliament for the borough of Milborne Port in the county of Somerset, at the approaching general election, committed by the right hon. Frederick lord North, chancellor of his Majesty's exchequer, and others acting as his agents in the said transaction:" and afterwards moved, for eight persons to attend, in order to be examined at the bar of the House. Mr. Luttrell on this occasion said: The House will permit me to ask attention for a few minutes, on a subject, which however it may seem in the

introduction of it merely to touch an individual, and that individual myself; yet, when fully stated, and weighed in your minds, I trust it will be found to involve a most important public concern; especially in the present critical situation of the government of this country, and at the eve of an expiring parliament. I shall, as concisely as possible, state some principal facts, in support of which, evidence is ready for your bar, and which evidence will, I presume, come forth clear, substantial, and decisive; as it certainly ought, on a charge of high criminality thus moved against the most exalted and decorated character of your own body, and who also is the first confidential servant of the crown; I mean the noble lord facing me with the blue ribbon. The current session is the sixth during which I have sat here as member for Milborne Port; and though in political measures, uniformly and entirely guided by my own free sentiments, yet have I been so fortunate as to find my parliamentary conduct approved of by those who sent me hither; and their unsolicited public thanks were some time since transmitted to me in terms the most flattering. Not only have I experienced the good wishes of the several electors and inhabitants, but also in a peculiar manner, those of Mr. Thomas Medlycott, heretofore a member of this House, who owns a considerable estate in the borough of Milborne, from which he resides scarcely a hundred yards distant. He has, as well by letter as otherwise, repeatedly acknowledged service to him performed on my part, and professed towards me the most grateful return and zealous attachment; particularly for what might regard my future connection with the same constituents I now represent; insomuch, that about two years ago he signified his hopes in writing, that I should keep, by the most unexceptionable tenure, the seat I now hold, till his eldest son, aged about 11, should at least attain 21 years. Thus circumstanced, and in habits of confidence and friendship with the borough in general, it was not till the late Christmas recess that I could harbour the least doubt of my being again elected for Milborne Port. To my extreme astonishment I then learnt, that a treaty between the first lord of the Treasury and Mr. Medlycott, for the sale and purchase of the borough representation, had been clandestinely on foot ever since March last, when I was far enough

removed from the spot by a close attendance on my duty here. One seat was, it seems, agreed for on a dissolution, in exchange for a weighty purse of gold; but, to seduce a worthy set of people from their rivetted predilection in my behalf, (and which it can be made apparent still subsists there) almost to a man; and above all, to over-rule every tie of probity and good faith in the breast of a person of Mr. Medlycott's rank and description, was not very easy to compass: yet was this the avowed paramount object of the noble lord in the blue ribbon from the beginning of the treaty; and it was fully expressed by his lordship's agents and attornies; "At any cost Mr. Luttrell must be removed. Lord North is determined to pursue him to any borough for which he may offer himself a candidate." The noble lord acted but fairly to consider me an irreclaimable enemy to him in his political station; and he did me an honour, of which I feel proud, when, amidst a great and formidable minority of above 200, he thought it worth while to hunt down so inconsiderable an opponent as myself, at the expence, too, of such pains—such malignity and base corruption, though probably there are many others marked out for the same pursuit;—it required the lure of a first minister's dignified situation and power, joined with the immediate practical influence of the dispenser of secret-service-money (I allude to a secretary of the Treasury) to enthrall this poor over-matched country gentleman, Mr. Medlycott. He was, it seems, beset with a miscellaneous crew of evil spirits, such as you may have seen painted in a Temptation of St. Anthony, but wanted the preternatural aid of the like divine grace; therefore, at the end of a six months siege, he surrendered to the noble lord, not, I believe, without condition munificent in the extreme, such as became the minister of a rich and generous nation to bestow for such salutary state purposes. I speak feelingly, I hope not too warmly, on this matter. A consideration of my public duty has caused this open mode of meeting the injury, perhaps not the most adviseable to frustrate the hostile views of the noble lord on the day of election. If the suffering of a private person were not totally absorbed in the insult to parliament and to the country at large, I might dwell further on this signal act of oppression. It is, surely, no illaudable ambition to as-

pire to a seat here, upon independent, constitutional principles: but who on those principles can stand his ground, if such an attack be endured at those hands, which may distribute honorary and pecuniary gratuities, together with places and pensions, without controul, and without account? I have now only to add, before I move summonses for the evidence in proof, that I had not even the least distant hint or surmise of any negotiation of this nature, in which lord North was a party, when I moved a standing resolution now on your Journals; to which the noble lord assented at the time, and which seems so aptly to fit his present case: that resolution occurred to me as proper, upon considering the petition from Middlesex, for securing the independence of parliament.

Lord North said, he was perfectly astonished when the hon. gentleman began to inform the House, that he had a charge to make against him for undue practices with the borough of Milborne Port. The hon. gentleman had not stated any one specific fact, which was capable of an answer; it was impossible, therefore, for him to say more at present than that he cared not how soon, nor how fully the charge was gone into, conscious of his own innocence, and perfectly satisfied, that whenever the day of enquiry came, it would be manifested to the whole House. The hon. gentleman had accused him of cruelly persecuting him, and that it had been declared "he was determined to follow him to any borough for which he might offer himself a candidate;" he did assure the hon. gentleman he never had the most distant intention of persecuting him, much less of preventing his having a seat in that House; whether he had or had not, would be the very last object of his consideration; and as to the words imputed to him, they certainly never were spoken either by him or by his authority; least of all should he have thought of interfering with the hon. gentleman's return for Milborne Port, to an exclusive election for which place he did not doubt he was fully entitled by having a large house, and a large estate in the neighbourhood; by old connections, long acquaintance, great intimacy, and great regard! After pursuing this irony for some time, his lordship seriously said, he wished the motion to be carried; that he was ready to meet the enquiry, being perfectly convinced, he could prove his innocence with-

out the least preparation, though he was sure all the preparation the hon. gentleman could desire, would not enable him to support his charge.

The motion for the attendance of the witnesses was agreed to.

On the 16th and 17th of March, the House took the complaint into consideration and several witnesses were examined. Mr. Luttrell concluded his evidence with reading the following declaration, dated in November last, written and signed by Mr. Medlycott; "Unprepared as I was, without even a promise of support from you. In this critical situation an offer was afterwards made to me of an assignment of Mr. W——'s borough-property, on condition of my supporting a double recommendation of their's. To this proposal, my necessity and not my will consented." Mr. Luttrell concluded with saying, that he had proved, he hoped to the demonstration of the House, that a person, acting as the agent of lord North, had been guilty of corrupt practices in the borough of Milborne Port; a circumstance, which if it was not done with the noble lord's privity and consent, he would thank him for making public, that the same gentleman might not go with such pretences to the different boroughs of this country. In all the west of England he was distinguished by the appellation of lord North's Lloyd. He had been guilty of similar abuses at Ilchester, and several other boroughs. He was tenant to lord North; recruiting officer; lived with him in habits of intimacy, and had been his generally acknowledged agent.

Lord North defended himself against the charge by saying that no part of it had been proved. Instead of having adduced evidence to prove that either he or his agents had been guilty of the corrupt practices, the hon. gentleman had concluded this accusation with saying barely, that persons pretending to be his agents had committed them. Mr. Lloyd was never his agent. True, he was his tenant, and he paid him a valuable consideration for the lands which he farmed. He had raised some recruits for one of his sons, but he had done this not from any lucrative motives, but from friendship. True, he had visited Mr. Lloyd, because he was accustomed in the summer time to go into the country to settle his accounts and arrange his affairs, and Mr. Lloyd rented his house which was in the midst of his

tenants. But all this did not amount to an agency; he had given Mr. Lloyd no commission to purchase any interest in Milborne Port, and he was totally innocent of the charge.—His lordship then withdrew.

Mr. Luttrell moved, "That it appears to this House, that there have been divers undue and corrupt practices respecting the election of members to serve in parliament for the borough of Milborne Port, in the county of Somerset, at the approaching general election."

The *Solicitor General* moved, as an amendment to this, the following words to be added, "committed by the right hon. lord North, first lord commissioner of his Majesty's treasury, or others acting as his agents in this transaction." This amendment he said he moved, because the other did not either acquit or condemn the object of the charge.

The House were generally of opinion that the amendment ought to be admitted, and that though there was not legal proof of lord North's guilt, yet it was apparent that there had been undue and corrupt practices committed in the borough.

Mr. Fox hoped the House would not in their decision on this question forget the justice that was due to the borough. It was a crime infinitely greater in gentlemen to commit such shameful transactions, than for boroughs, oppressed with poverty, like Shoreham, to make bribery the means of their existence. He hoped the House would take it up, and proceed upon it in a proper manner.

The question, with the Amendment, was negatived.

Col. *Holroyd* moved, "That the said charge brought against the right hon. lord North is ill founded and injurious."

Mr. Fox said, if nothing further was intended, he thought the motion a very immaterial one: it meant nothing; but if it was to be followed by any motion of censure against the hon. gentleman who brought the charge, he should oppose it, to the utmost; apprehending, however, that there was some motion of that kind in reserve, he would move the previous question. He thought the friends of the motion extremely inconsistent, if that was their design; for he very well remembered, when he had upon former occasions, mentioned the judgment of the court martial upon admiral Keppel, that the charges brought against him were malicious and ill founded; the other side of the House,

and the noble lord himself (lord North) said, such judgment was ridiculous; sir Hugh Palliser was not before the court; they were not pronouncing sentence upon him; and therefore the court martial had nothing to do with him. From this, Mr. Fox drew a strong argument, that the friends of the motion, to be consistent with themselves, could not offer any subsequent motion.

Mr. Dundas replied, that the charge brought against the noble lord, not being fully proved, the motion was proper. If it had been brought home to the noble lord, every committee in England would have taken it up; it would have been matter for a particular resolution in each; it would have been adduced as a proof of the influence of the crown.

Mr. T. Townshend observed, that though the charge was not brought home to the noble lord, yet every body must be satisfied that there was an attempt made by somebody, and it was a well-known fact, which he appealed to every gentleman for the truth of, that persons in a private room would say many things which they would be afraid to repeat at the bar of the House; that there was a freedom in one place, and an awe and dread in the other; that any gentleman might be induced to believe himself, what he could not afterwards fully satisfy another of, the evidence not keeping the same emphasis, nor the same terms.

Mr. Byng thought, that the best mode of vindicating the noble lord, was for his lordship to bring actions against the persons who had assumed the character of his agents in this business; for such they certainly seemed; the treasury, or his lordship, and sometimes both, were constantly spoken of in every stage and part of it: and if his lordship did not vindicate his character by punishing such delinquents, the public would judge for themselves.

The motion was agreed to without a division.

Lord North, who was sometimes in the Speaker's chamber, and sometimes in the gallery, came into the House, and thanked them for having acquitted him; and then said, that as the East India Company had made him no offers, he would on the 21st, move that the Speaker of the House should intimate to the chairman of the Company, that the debt would be paid off.

Mr. Fullarton's Complaint of the Earl of Shelburne.] March 20. Mr. Fullarton

rose and said, his character and his conduct in offering to raise a regiment had been reflected upon in the other House of Parliament by a noble earl; a matter which had given him great uneasiness, and the more, because he was puzzled how to act, in order to wipe out the imputation. He rose therefore to explain the motives of his conduct, and he trusted the House would hear him patiently, as he felt his honour wounded, and had ardently wished for an opportunity of removing the bad impression of his conduct, which the place where the reflections he alluded to were thrown out, might serve to give rise to. The reflections, were, as he understood, extremely gross; the noble earl terming him a clerk, and in the most contemptuous manner remarking, that a clerk ought not to be trusted with a regiment, adding to that remark, other insinuations, as false as they were illiberal. He said, the noble earl might think to screen himself under his peerage, but if he could forego the language and manners proper to his rank and the House in which he had attacked him, the noble earl stood in another character, which made such an attack highly unwarrantable, and that was, the character of an officer holding high professional rank. Little as he yet knew of the military profession, Mr. Fullarton said, he believed, he might venture to assert, that if the noble lord was brought to a court martial for his words concerning him, he would fall under the article of ungentlemanlike behaviour.

With regard to his offer to raise a regiment in times of public difficulty like the present, when his country was at war with nearly half the world, he had thought his offering to assist by raising a regiment, was by no means such conduct as was likely to draw on him a public censure, more especially a censure from peers in parliament; and he was sure that House, if they knew the service for which his regiment was destined, would not think he merited the unhandsome attack that had been made on him. He went on thus; I know it is irregular to take notice here of what passed elsewhere; but it is the privilege of those who are aspersed, to wipe out the imputation. It is the object of my life to deserve the approbation of this House and of my country. It is the duty of this House to know, that those men who sit here, and who are raised to the command of regiments, in times like the present, are not such men as I have

been described. I was named while very young, by the King, secretary to the embassy at Paris—an appointment so honourable, with regard to business, emolument, and situation, that I did not expect it would have procured me the title of clerk, especially from a noble duke (of Richmond) whose brother held the same office; and from a noble earl, who, as well as that duke, having been at the head of the diplomatic affairs of this country, as secretary of state, must have known the falsehood of his own assertion. That noble earl—I mean the earl of Shelburne—

Mr. *Fox* called to order, and said, he could not sit still and hear gentlemen proceed in so unparliamentary a manner, to state what was said in another House, and to mention peers by name; it was contrary to every rule in parliament, and ought not to be endured. He spoke of the impossibility of the House knowing whether the words alluded to were really spoken, as the hon. gentleman had been informed they had, and argued the impropriety of considering what was said in debate as a private and personal attack. He begged once for all to declare, that if such a custom prevailed, the freedom of debate must cease; and contended, that the most essential of all the rights of parliament would be lost, if gentlemen were to suppose, that when their names and public conduct were mentioned, a personal affront was intended. He declared his regard for the noble lord alluded to, and hoped he should stand excused for having laid down a doctrine, which he was confident ought implicitly to be adopted.

Mr. *Rigby* declared, he subscribed most fully to the doctrine; but he was exceedingly astonished to hear it from the hon. gentleman's mouth, because no one member, he said, had so frequently been guilty of that violation as the hon. gentleman. He then explained what the custom of parliament was, ever since he had known parliament, and wished it was more strictly adhered to, because it would not only preserve the freedom of debate, but preserve regularity, and prevent ill humour.

Lord *North* said, that it was certainly wrong, to mention in that House or the other, the name of any member elsewhere. There were some occasions, however, which would justify it, and he thought the case of the hon. gentleman one. His lordship paid Mr. Fullarton great compliments, and declared he had done himself great honour, even though he had taken the

wrong opportunity to clear himself. He recommended the hon. gentleman to treat all personal attacks with indifference and contempt. Noble lords in another place were very apt to be personal, and they very often made free with him. Among other names, one of them had lately called him "a thing." The appellation, however contemptibly meant, was certainly truly applied; he was a thing. But the noble lord who had applied it to him had put an addition to it. He had said, he was "a thing called a minister." A moment's consideration, said his lordship, convinced me that this ought not to be considered as an affront, because a moment's consideration reminded me that the noble lord, who had dubbed me "a thing called a minister," would not have the smallest objection to become that very "thing" himself.

Mr. *Fullarton* said, he should not have mentioned the noble earl by name, but that the noble earl had attacked him by name, and with all the aristocratical insolence which marked his character. The noble earl had asserted "that he and his regiment would be as ready to draw their swords against the liberties of their country as against its foes," and he would leave the House to judge whether he ought to feel himself hurt or not.

At length the order of the day was called for, and the Contractors' Bill was read a third time, and passed.

Debate on the Clause in Mr. Burke's Establishment Bill for abolishing the Offices of Treasurer of the Chamber and others.] The order of the day was read, for the House to resolve itself into a committee on Mr. Burke's Establishment Bill. As soon as Mr. Elwes had taken his seat at the table of the Committee,

Sir *Fletcher Norton* rose and said, he had felt a great weight on his mind ever since Monday last, when he had very imprudently gone into matter totally foreign to the subject under consideration. He sincerely asked pardon of the Committee for this error, of which, and of the extent of it, no man could be more conscious than he was. Had he not received great provocation, he certainly would not have suffered himself to be driven into the irregularity for which he was then apologizing: not that he presumed to think the magnitude of his provocation any excuse; let the provocation be ever so great, he was ready to own, that it would not justify his departure from order; he was merely

stating the cause of his misconduct, from an humble hope, that what would not amount to a justification, might nevertheless have its influence on the candour of the House, and plead in some degree as an excuse. He had been uneasy from the day succeeding that, on which he had been guilty of the irregularity he adverted to, and the present was the first opportunity that had offered, for his asking pardon of the Committee for having suffered himself to be led into a recital of matters, which, however material and interesting to himself, certainly were not fit subjects for discussion in that committee, who had before them an object of the first importance, and which called for all their attention. He begged, however, when he was thus expressing his anxiety to apologize to the Committee for having inadvertently and in a moment of haste and provocation, uttered that, which was exceedingly ill-timed, that no gentleman would suppose he meant to correct or alter the substance of what he had said; he did not retract a syllable; he had stated facts, which well deserved the attention of that House, when properly laid before them. Those facts he would stand or fall by, and it was from his wish to clear himself with that House, and his country, that he rose then. He was not blind to the abuse that had been thrown upon him with such remarkable avidity and industry since Monday last; he saw the newspaper attacks, but he held them in the most sovereign contempt; it was not the force of those attacks, but the fear of being thought ill of by that House, whose good opinion he should ever deem it his highest honour to be blessed with, that induced him to say what he had just spoken. With regard to the matter in question, he repeated to the House, that he had no negotiation whatever with the noble lord, relative to himself. He never had treated with him on the subject of places, and he declared on the word of a gentleman and a man of honour, that what he had said on Monday last, proceeded from no disappointment, nor no private motive, as had been most impudently and injuriously imputed to him. The idea thrown out, that he wished to attain the presidency of the court of Common Pleas from motives of interest was too absurd and ridiculous to deserve an answer. If he had been appointed to that post in the line of his profession, (which post he owned it was his ambition to hold) he must necessarily give up

nearly double the advantage in point of profit, but the matter was altogether unworthy of comment. When he had last the honour of addressing the Committee, he had told them what had been his conduct in the affair, which he then stated to be a foul transaction, and which he still thought so. His conduct, he had the happiness to find, had done some good, for the transaction in question had not been, to that day, completed. He was left therefore without cause of complaint. He would only add, that the matter had terminated to his entire satisfaction, for he had stated the case where he had found the highest sense of honour, and the most fixed integrity; where there was an exact and minute recollection of circumstances, and where he had met with a reception which he should ever remember, with the utmost reverence and gratitude.

Mr. *De Grey* stated to the House the satisfaction he felt that this matter was again brought under their consideration, for he had suffered the greatest uneasiness at its having been so much misunderstood: and he reminded the House that however conscious the learned judge might be of his own integrity, yet the satisfaction of a virtuous mind was incomplete, if it was not accompanied with the approbation and the confidence of the public. That the House would judge what his own particular feelings must be, if any man could call in question the propriety of the learned judge's conduct, as far as it was founded in an attention to so unworthy an object as the person who was then addressing the House. That a report had been circulated, and had gained credit abroad, that upon the resignation of the chief justice two years ago, a sum of money to the amount of 7,000*l.* or 8,000*l.* was to have been paid by lord North out of the public treasury, and was actually deposited in the hands of an eminent banker for the chief justice, in lieu of a reversion to a particular office in the court of Common Pleas, which the chief justice would have had a right of appointing to, if it had fallen whilst he continued at the head of that court. That he, (Mr. *De Grey*) would take upon himself to assure the House that the whole of this report was false, and was founded in a mistake. That no sum of money was ever offered, demanded, talked of, or even to the best of his knowledge thought of by any body. That if it had been so offered, or so accepted, he should have thought both the

person who offered and the person who accepted equally corrupt, and deserving of all those epithets which had been affixed to this transaction. That the learned judge in question felt as much as the House could feel, how much the preservation of this constitution depended upon the purity of the courts of justice, and of the integrity of those who filled those stations: that he felt not only that the House was competent, but was bound in duty to examine into any malversations, certainly yet more into any corrupt transaction that had found its way there. That to this tribunal that learned judge was ready, willing, and anxious to submit his conduct, in case the House should think fit to institute any inquiry upon the subject. That he reposed himself with the most entire confidence in the wisdom and in the justice of the House, and the more they enquired into this or any other transaction of his life, the more he trusted that he should be entitled to their good opinion, which he was not conscious he had as yet forfeited, and the more they would find that he was what he had always been reputed to be, as unsullied and as unsuspected a character, as ever trod the path of public life.

Lord *North* declared, what the hon. gentleman, who spoke last, had said of the chief justice, did him great credit, but he begged leave to add, that even filial zeal was not equal to the merits of the exalted character, to whom what the hon. gentleman had said referred. He had not intended to say a syllable more on the subject, which had in so extraordinary a manner been obtruded on the Committee at a late hour on Monday last: he should, however, hold himself inexcusable, if he did not rise to corroborate and confirm the assertions made by the hon. gentleman who spoke last. He did assure the Committee, in the most solemn manner, that no offer of any money, to be paid by the treasury, had been made to the learned judge in question, neither had that very respectable person descended so much beneath the dignity of his mind, as to intimate even, that if such an offer had been made, he would accept of it. He hoped, therefore, the Committee would see the matter in its true light, and not assume a fact which never had existence.

The clause of the Bill was then read for appointing the business done by the Board of Trade, to be executed for the future by a committee of the privy council.

Earl *Nugent* entered into an elaborate opposition to the clause. He insisted upon it, that was it to take place, neither the independency of parliament, nor the œconomy of the public, could be put in a better situation, as the members of the privy council would require salaries. The noble lord talked of the influence of the crown, and asserted, that there was no other influence at present that pervaded government but a constitutional influence; the influence that at present reigned was owing entirely to the necessary increase of our navy and army, and it was nonsense to say that influence would not always naturally increase with power. His lordship mentioned the success of the Contractors' Bill, as a proof that government had at present no very great influence; and again put in his objection to the clause, as it would cost the public as much to have the business of the Board of Trade done by a committee of the privy council, as it did when under the management of the Board of Trade, as the members would require salaries; besides that there would be secretaries to pay, and after all, great difficulty in getting as many privy counsellors as were necessary to do the business: for though there were a great many members sitting at that board, his lordship, and the late lord president (lord Gower) had often sat there a long while together tête-à-tête by themselves. The noble lord said he did not approve of any part of Mr. Burke's plan. It only pretended to strip off the lace; but, to speak the truth of it, it tore away the cloth itself.

Mr. *Sawbridge* thought the success of the Contractors' Bill was by no means a proof that the influence of government was gone. It was the sixth session, and gentlemen were become rather cautious how they acted, and it was to that the minds of the people owed such an additional strength to their cause; for he was afraid the converts lately made would desert the principles they had so newly adopted, after the general election. The hon. gentleman adverted to the doctrine that had lately been used in that House, of a monarchy, without at the same time qualifying the expression. This, he said, was by no means to be suffered; for a monarchy, without being limited, was a government as arbitrary and as despotic as France, Spain, or Prussia.

Mr. *Burke* strongly urged the necessity of the clause. In 1680, the whole business of the board was done by a committee

of the privy council, a committee of the greatest men in the kingdom. There were prince Rupert, lord Shaftesbury, lord president of the council, lord Anglesea, lord privy seal, earl of Arlington, lord chamberlain, earl of Essex, first lord of the Treasury, Savile earl of Halifax, earl of Sunderland, Mr. Godolphin, Hyde earl of Clarendon, Mr. Heneage Finch, Mr. Seymour, and lord chief justice North. The hon. gentleman expatiated on the respective talents of the several persons named, and was sure his present Majesty could find very able men to transact the same business in the privy council, if he thought fit to look forward to them. There were the earl of Shelburne, the marquis of Rockingham, lord Camden, Mr. T. Townshend, and col. Barré, willing to serve their country in that way without any pecuniary situation. To prove that a committee of the privy council were competent to the business, he instanced a case respecting Jamaica, when lord Carlisle was governor of that island, and the government and trade of it was most admirably settled in that committee. As to defraying the expence of it, he asked how the expence of the privy council was at present defrayed? The King paid it out of his civil list, and the same might be done in the present case, if there should be any expence attending it. But he thought it might be done now as heretofore. In 1681, the two secretaries of state, Mr. Secretary Coventry, and sir Lionel Jenkins, acted as secretaries in the business; and he thought those persons as able officers as any we had at present. With such a committee of the privy council more might be done than with those who lately had the regulation of the Board of Trade, as there could be no comparison between prince Rupert and lord George Germain, or lord Shaftesbury and Mr. Bamber Gascoyne.

Lord North said, there was certainly no occasion to debate the matter, for as the Board of Trade had been abolished, the business of it must, of course, be committed to a committee of the privy council.

Mr. Burke then proceeded with his Bill, and came to the fifth clause, that relative to the treasurer of the chamber, treasurer of the household, cofferer, &c. He proposed putting each office into a separate clause, and therefore, after moving that the word 'offices' be changed to office, which was agreed to, he moved that the words "be abolished," stand after the

words "treasurer of the chamber." The next clause, enacting that his Majesty's household should be served by contract, he said, he proposed to omit.

Sir E. Dering, sir J. Wrottesley, and Mr. Ellis, spoke against the abolishing the office of treasurer of the chamber; not, they said, from any regard to the office, but from a strong disapprobation of interfering with the management of any part of the King's household.

Governor Pownall said, that after the opinion which he had thrown out in the course of the debate, in the committee on this Bill, he could not acquiesce in giving a silent vote, and must therefore beg leave of the committee to state his reasons. He said, he was the first who had made the distinction between that part of the civil list, which went to the offices of the state, and that part which went to the King's household. He was, upon very serious consideration of the matter as it stood simply on its own ground, and upon a thorough enquiry and examination of the proceeding of parliament in these cases, convinced that parliament had not only a right to enquire into, and to reform the offices of the state, but that it had, without contradiction, always exercised that power. That however he was convinced, it had never meddled or interfered in the King's household, except in times from which he was unwilling to take his precedents. There were however precedents of proceedings in parliament, which stood upon the same ground exactly, and were of the same spirit precisely, as the matters proposed in these clauses respecting the King's household. He said, that in the 5th Edw. 2, a commission, in consequence of proceedings in parliament, was issued, for enquiring into and reforming and new modelling the king's household. That a commission of the like sort, in consequence of like proceedings in parliament, was issued in 10th Rich. 2; but when he looked to the consequence to which those measures lead, he should not take them as his precedent. The first ended in deposing Edward, and the second in de-throning Richard. There was a wiser and a more temperate measure taken in a period between these two—in the 50th Edw. 3—and that was, an address of parliament to the king; praying him to institute an enquiry into the state of his household, and pointing out to him the abuses which they apprehended reigned there, and that if he would reform them, he need

not burthen his subjects with subsidies and taxes. It was on the spirit of this precedent, and upon the nature and spirit of the business itself, to which the present clauses went. That he had suggested on another day in the committee, that although he did not approve the making the reform of the King's household by an act, a statute of a sort he would not name, yet that such reform ought to be, and must be made, and if these clauses were rejected, he would bring forward a motion for some such address, a draught of which he had made, and shewn to one or two gentlemen. But he hoped that no such motion would be necessary, for he thought it impossible, if his Majesty should, from the information or by the advice of his ministers learn, that though the clauses were rejected, the idea of the necessity of the reform was universally received and established in the minds of gentlemen on all sides of the House, and who voted on different sides of the question. He was sure, therefore, that the matter must and would originate with his Majesty. If no such such information nor advice was given by the ministers to his Majesty, it would be time for his parliament to interpose their advice by address; and some such would be proposed. If, therefore, he gave his vote against the enacting these reforms of the household by a statute, it was not that he disapproved them; he not only approved them, but thought them necessary, and was sure that, in some shape or other, they must be made.

Mr. *Burke* begged to be heard, and said from the turn of the debate he feared it would be for the very last time upon the subject of his Bill, because if the clause, as he had moved it, for abolishing the treasurer of the chamber was lost, his Bill was gone. In the treasurer of the chamber consisted the very pith and marrow of his plan, as far as that plan was endeavoured to be changed out of theory into practice, by the unfortunate Bill which he had now reason to mourn over as a dying friend, and to lament with all the affliction that a parent must necessarily feel for the loss of his favourite child. He did not mean by this, that the Bill being his work, he could not for that idle reason bear the loss of it, but because his heart and soul were fixed upon those principles of œconomy, and that aim at the influence of the crown, which governed and were the objects of the work. The treasury of the chamber was the very first

office of the household that he had laid his fingers on; it therefore led the way, and involved all the rest; and as the remaining clauses of his Bill, for the most part, turned upon the abolition of the board of ordnance, the board of works, the mint, and other boards and offices, which made parts of the household, he was reduced to the necessity of abandoning the whole, if the doctrine which had in the course of the debate prevailed, namely, "that the household must not in any one part be touched, but that such parts of the Bill as went merely to the establishments of state, were fair and reasonable subjects of parliamentary revision and reduction," was to be admitted as a bar to the abolition of the office of treasurer of the chamber.

In order to shew that he had no design whatever to abridge or retrench the King's expences, as had been asserted in debate, he declared that his Bill did not limit or tie down his Majesty in any one respect; that with regard to his table being served by contract, about which so much had been said, his Majesty might, if he pleased, for any thing the Bill said to the contrary, contract for his table at a hundred guineas a-head, and invite a hundred people to eat at it. It did not restrict the quantum of money to be expended in support of the household, it only took care that what was expended should be wisely and œconomically laid out, and that fraud should no longer prevail in those who served his Majesty with provisions, nor the cost be large as it now was, of those who were paid for preventing that fraud. He contended, that at present the system of œconomy, which had been introduced into his Majesty's kitchen, was such that even a rat could not have cheated the cooks, scullions, &c. of a scrap of cheese, but at the same time nothing was saved by the system, because the expence of paying cheats to watch cheats, was so great, that it amounted to more than it could possibly cost his Majesty, if he was handsomely cheated at once. It had been asked what would his plan save? As far as it respected the household, he had already said, that in agreeing to give up the clause for having the tables of the household served by contract, he had given up about 12,000*l.* out of his projected savings, and he presumed, if the other parts of his Bill, as far as regarded the household, were suffered to remain, his savings, on that head, would amount to about 80,000*l.*

By way of reply to the arguments of

those who had talked of the ungentleman-like conduct of abridging the sovereign, and stinting him in his private expences; he declared he had no such intention, and the best proof that he had not, would be by reminding the committee, that he had not touched the privy purse, for which a clear 48,000*l.* per annum was allotted. This sum was more than sufficient to enable his Majesty to live with splendour and dignity. As a proof of it, he instanced the duke of Northumberland, as possessing three palaces, each of which was more splendidly furnished than any one of his Majesty's houses. He shewed that the duke's income was not more than 48,000*l.* a year, and reminded the committee of the magnificence and expence which had ever characterized Northumberland-house, making it the first resort of the curious in all countries, from the French ambassador down to the lowest emissary of foreign courts; especially in the life-time of the late duchess, whom he described as a woman possessing a noble soul, a soul fully impressed with the propriety of having her household conducted on a stile of grandeur fit for the high rank and liberal fortune possessed by the duke her husband. In her time the finest pictures that could be procured, were purchased at any price; the expence was the last thing thought on; the two noblemen her sons, also were allowed an establishment fit for princes, and all this on an income, he verily believed, short of 48,000*l.* a year.

After fully enforcing this argument, he went into a general consideration of the clause, and of the Bill, as far as it respected the household, answering every objection that had been made, and contended, that one great end of his Bill was the rendering it almost impossible in future for the King to run in debt, by enacting that the first lord of the Treasury should be answerable that the expences of the civil establishment should not exceed the money allowed for that purpose by parliament. He asked, how could it be expected that the first lord of the Treasury should be responsible, if a variety of lesser treasuries were to exist, each of which would govern the branch of the public expenditure under its direction, just as it thought proper? It would be unfair; it would be unjust, to expect a first lord of the Treasury to be responsible, unless the Treasury was the sole place for issuing public money, and governed the whole expenditure, as well in detail, as in gross amount.

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He quoted the king of France's edict for abolishing the offices of comptroller general, and a variety of others of infinitely greater import, both in point of rank and expence, than any his Bill was to effect, and held it up as an example worthy to be followed, wishing that the noble lord would tread in the steps of that most able financier, M. Neckar. He compared his Majesty's civil establishment with that of the king of Sardinia, declaring that prince had nothing like the income we allowed his Majesty; that he nevertheless maintained an army of 25,000 men, and a greater number of expensive fortresses than any power in Europe, France only excepted. He asserted, that had his Bill been produced and passed into a law, at the commencement of the present reign, the nation would have saved more than three millions of money, and his Majesty would have lived more at his ease, more like a great prince, and with not one jot less splendor and magnificence.

After seriously repeating, that if the present question was carried against him, he should consider his Bill as gone, and declaring that though he would not take any more upon him, to put his weak and disordered frame and constitution to the torture, in order to fight his Bill through the House inch by inch, clause by clause, and line by line, he certainly would not be the man to withdraw it, but would leave it to the people to go on with it, and let them judge by the issue how far their petitions were able to procure the redress of grievances they complained of. He concluded with begging leave to tell an old story by way of elucidation of what he meant. There was, he had heard, a handsome widow, possessed of an ample income, who lived in a dissenting meeting-house; a well intentioned man, who attended the service of the day, saw her, and was invited by her to visit her; he fell in love with her, and coming directly to the point, said, "Madam, will you marry me?" She refused him; he still persisted in his request, and she still refused. He then changed his request, and asked her to let him be her steward? "No, she would not." Her butler? "No." Her cook? "No." Would she entrust him with the care of her wardrobe? "No." After a variety of requests, finding them all denied, he was going away, when on a sudden he turned round, and begged one of her late husband's old wigs. The widow, who had refused all his former requisitions, complied

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with this, and the man who had asked the widow to give him her person and fortune, was obliged at last to be contented with one of her husband's old wigs. So is the case with me, said Mr. Burke, I would marry the handsome and rich widow economy. I fain would have her person and fortune, but finding I cannot get them, I have asked to be her treasurer, her steward, her butler, her cook, and her wardrobe keeper, but all in vain. I have got one of her late husband's old wigs, and with that I fear I must walk off contented; but only I beg the committee will do me the justice to remember, that I did not so far degrade myself as to ask for the old wig solely.

The *Attorney General* declared that it was not treating the committee very candidly, to say, that the Bill was necessarily gone, if the clause for abolishing the treasurer of the chamber's office, was lost; as if the treasurer of the chamber wrapped up every other officer whose abolition was aimed at by the Bill. If the committee were to be menaced in that manner, it would be in vain to discuss any part of the Bill; and the menace was the more extraordinary, because, notwithstanding what had been asserted to the contrary, the same principle did not apply generally to the whole Bill, which consisted of many different parts and clauses, each of which therefore turned upon a separate and important point, and had each a separate principle. He said, there were many of the principles which he thought highly laudable, and fit to be adopted; there were others which he could not but consider as absurd; in proof of this, he pointed out the clause for serving his Majesty's household by contract, which the hon. gentleman had, from the intimation of his friends and the feelings of the public upon it, been induced to leave out. Good God! how could the hon. gentleman ever reconcile this clause to a possibility of its being carried into practice? His Majesty, had it stood and been supported by a vote of the House, could not buy a single piece of furniture, without the consent of the treasury and their previous notice. His Majesty had lately put up a new piece of furniture in one of his oldest palaces. Could the hon. gentleman ever have supposed, that his Majesty ought to be so unhandsomely restricted, that he could not have put up the new state-bed in Windsor Castle without referring Mrs. Wright to the board of Treasury, before

whom she must have first produced her drawings and design; have stated the number of clergymen's daughters intended to be employed in working it, have stated also the separate quantities of silk, satin, and embroidery, to be used in the work, and have stated likewise by a correct estimate the expence that the whole would come to, before his Majesty would have had it in his power to order that which he thought proper to decorate his palace with, and the purchasing of which certainly was a truly royal and gracious encouragement to Mrs. Wright, and the persons employed in making it. He asked if the hon. gentleman, by his declaration, that if the clause in question was not agreed to, the Bill was gone, meant to treat that House like the parliament of Paris, and to tell them in so many words, that the Bill was his edict, and he would have it registered? He animadverted on Mr. Fox's having thrown out a kind of threat against that House, and the House of Lords, in case they did not pass the clause in question, and pass every clause of the Bill, by declaring that the people without doors would say the House of Commons was corrupt, and resort elsewhere to do themselves justice. This sort of language, he said, spoke much too plainly a meaning that ought not to be heard within those walls. In the very moment that the hon. gentleman was loud in exclamation against the supposed increase of the influence of the crown, he was setting up an influence of a much more dangerous nature, an influence over parliament, not only tending to fetter the freedom of debate, but tending likewise to awe that House in its essential proceedings. After reprobating this sort of menace in very decided terms, and stating various objections to the clause, he declared that he should vote against the clause, either in its divided state, as now proposed by the hon. gentleman, or altogether.

Mr. *Dempster* rose to defend his hon. friend (Mr. Burke) who, he perceived, was almost exhausted, from the imputation of his wishing that House to consider his Bill as his edict, and expecting, like the king of France, that the house of commons would implicitly register it on the bare assertion of his *ipse dixit*, without examination and without discussion. What his hon. friend had said warranted no such interpretation, but it might very fairly be put on the conduct of the minister, who had for a series of years treated that

House as if it had been the parliament of Paris. If the minister chose to pursue the American war, what had he to do, but to bring the edict, and it was instantly registered! If he wanted more money, no matter how much nor how ill the people could afford it, the moment the edict was produced by the minister, the House registered it, and granted the money! Let the minister want to impose an additional weight of taxes, what had he to do, more than to come down with an edict, and it was instantly registered, and the taxes imposed! In short, for years, the minister had founded his whole system of government on edicts, which that House had most complyingly registered. He defended the Bill in a very liberal manner, and made a distinction between such parts as struck him as reprehensible, and such as he saw in a contrary point of view.

On the question being put, that the words "be abolished" stand after the words "treasurer of the chamber," the committee divided: For the motion, 158; Against it, 211.

Mr. *Burke* having lost this point, declared his indifference to what became of the rest of the Bill.

Mr. *Fox*, however, roused him to his wonted attention to it, by arguing on the necessity of their still going through with the Bill, and if they got ever so little more than they had already gained, it would be worth the striving for. Even, he said, if they could not obtain more than the abolition of the seven lords of trade, he should, after having gone through the Bill, think that had been worth the struggle, because, as he was determined, and he doubted not but his hon. friend would join with him in renewing the Bill from session to session, till they effected the wished for purpose of demolishing the influence of the crown, they would have seven of the enemy less to fight against.

Mr. *Burke* admitted the force of the argument. The committee then went through the whole of the clause, negating every part of it.

Debate in the Commons respecting the Renewal of the East India Company's Charter.] March 21. Lord *North* said, he had for some time past expected that he should have received proposals from the East India Company for a renewal of their charter, but as none had come, he thought it his duty to inform the House, that agreeably to certain stipulations in

various acts of parliament, the East India Company's charter would have three years to come of it, from the 25th of March, but as the stile had been altered since the bargain was originally made, the new stile changed the day, and carried it forward to the 5th of April, from which day, therefore, the Company had three years right to an exclusive trade to the East Indies, but no more, provided that parliament gave notice to pay them off the 4,200,000*l.* which was due to them from the public on or after that day. His lordship owned he had seen certain propositions, which he had thought might have been made the basis of a treaty for a new charter, but on the directors referring them to the general court, they had been reprobated by the majority of the proprietors, and other propositions had been framed, and sent to him, which he thought were by no means such as the public ought to accede to. He stated the right of the public either to the whole of the territorial acquisitions and revenues, or if the Company were allowed to hold the exclusive trade longer, to a participation of the profits: the Company however not having offered him such propositions as appeared fit for him to treat upon, it was his duty to state the matter to the House, and to make the necessary motion. In order to ground it properly, he moved that "The 17th Geo. 2 be read." He then moved "That notice be given, that the capital stock or debt of 4,200,000*l.* and all arrears of annuity due and payable in respect thereof from the public to the united company of merchants trading to the East Indies will be redeemed and paid off on the 10th of April 1783, agreeable to the power of redemption in the said Act."

Mr. *Fox* rose to give a negative to the motion. He asked whether the noble lord was not content with having lost America? Or was he determined not to quit the situation in which he stood, till he had reduced the dominions of the crown to the confines of Great Britain? What good could the present motion be attended with, or rather, what evil might it not produce? The motion was a threat, and the idlest of all possible menaces, because it was made at a time, when the noble lord knew in his own mind, that he neither intended nor was capable of carrying it into execution. Why, then, throw it out, unless the noble lord wished to ruin the East India Company's possessions in India, and to deprive this country of the

ample revenue she received through the commerce and trade of that Company? It was ridiculous, it was dangerous to threaten, when men dared not perform what they threatened. Let the noble lord, let the House, turn their eyes to the probable consequences of that threat! Good God, what a scene of anarchy, confusion, distress, and ruin, would it not occasion! Supposing even for a moment that the noble lord really intended putting his threat in execution, and was capable of doing it, must not the public suffer considerably? How was the money to be paid off? Did not the noble lord know he was obliged to pay the debt at par, and therefore as the 4,200,000*l.* stood at the interest of 3 per cent. and 3 per cents. were at 60, the public must necessarily lose a clear 40 per cent. by every 100*l.* they paid off. But how was the noble lord to secure the revenues which the public were to derive from the territorial acquisitions of the Company? How was he to get them home? Did not the noble lord know that the Company was the best medium through which they could possibly pass? Had he a plan for any new company, and had he a design to establish a new company on the ruins of the present? Was that the noble lord's gratitude to those to whom his country was so highly obliged, as the present East India Company? The noble lord must know that he could not by law grant an exclusive trade to a new company, and where would his new company, if any such project he had in view, get their capital? He must know that the Company would laugh at his idle menace; at least he hoped to God they would, and not take it as a serious matter, meant to be followed by the paying off the 4,200,000*l.* If they did, woe be to the revenue, woe be to the public, woe to all our acquisitions in India! The Company, if they expected a dissolution, might put every thing in India to the risk, in order to get home as large a stock as possible, that their ultimate dividend might be swelled. Thus their present industry, serviceable and beneficial as it was to themselves and to the public, would be directed from its course, and be rendered dangerous and prejudicial to the public in the extremest degree.

He said, he had seen in newspapers, the propositions agreed on by the general court of proprietors and rejected by the noble lord. They certainly were not altogether such as he should approve, but comparatively considered with a dissolu-

tion of the Company, they were most advantageous and desirable. The one must lead to certain ruin, the other to great wealth and great revenue. He imputed the bad understanding between the Company and the noble lord, to the noble lord's having attempted to possess himself of the patronage of the Company, and having by the means of his secretary endeavoured to carry every thing his own way in Leadenhall-street, declaring that he supposed they would not, on that account, treat with the noble lord at all. After a variety of warm expressions, all tending to support the idea that ruin would follow to the revenue derived from the commerce of the Company, and that we should lose all we had acquired in India, if parliament broke with them, and seriously gave them the notice the noble lord had moved, he concluded, with earnestly exhorting the noble lord to change his intention, and not to act hostilely against the Company, at least at present.

Lord North denied in the most direct terms his having ever attempted to possess himself of the patronage of the Company; the imputation was wholly unmerited by him, and the assertion was not founded in fact. He had, as he had frequently said, occasionally recommended a person, but he defied any man to prove, that he had ever once aimed at obtaining the patronage of the Company; the gentlemen with whom he had from time to time treated, would, he doubted not, do him the justice to declare, that from what had passed on those occasions, there was not the least appearance of his having, or wishing to have, the patronage, which had been alluded to. The hon. gentleman had called his motion a threat and a menace; he begged leave to say, that it was not meant as a threat; it was meant merely as putting in a claim on the behalf of the public, to the reversion of a right which undoubtedly belonged to them, at that moment when it was especially proper that it should be formally made. Did gentlemen consider, that if the notice was not now given, the Company would unavoidably hold in their possession that which ought in three years (unless a proper satisfaction was made for a new lease) to revert to the public, longer than they ought to hold it, and longer than it was intended that they should hold it, when the charter was renewed, as was then expressly stipulated. The hon. gentleman had declared that the East In-

dia Company would laugh at the notice, because they must know that it could not be seriously intended; it would be the East India Company's fault if the notice was carried into execution. But he would not have the hon. gentleman suppose that if the present Company broke up and divided their stock, the public would, as a necessary consequence, lose the revenues arising from the territorial acquisitions in India. He trusted there were means of securing both the one and the other. He did not wish to break with the Company, he did not desire to drive them to the necessity of a dissolution, but the Company ought not to imagine that the public lay at their mercy. The public had a right to look for great resources from the Company, and from the territorial acquisitions in India. The Company as it was now established, he was free to own, was the best medium of bringing home the revenues from the Indies; but if the Company were so unreasonable and so thoughtless as not to come to a fair bargain with the public, a new company might be formed, and such plans adopted as might remedy the evil threatened to the revenue.

Mr. *Burke* said he execrated the narrow idea of bargaining with the East India Company as if we were treating with an enemy, and on the supposition, that every thing we did not get by the bargain, was so much loss to us. He reprobated the intention to give notice to the Company, according to the motion, as the most wicked, absurd, abandoned, profligate, mad, and drunken intention, that ever was formed. He reprehended also in the strongest terms of ridicule the speculation of a new company, declaring, that like a new Mississippi scheme, it was only fit for such a bubble projector as Mr. *Law*: he asserted in round and direct terms, that the attempt would be big with ruin to all who ventured on it: he allowed that in this country, there might always be found men enough who were ready to bite at a bubble, but declared, that those who were so weak and incautious as to join in such a mad and drunken scheme, would lose their all by it. This, it might be said, was mere speculation, so was the noble lord's idea of a new company, and till they were tried, his speculation was as good as the noble lord's. He contended that parliament were not ripe to come to a decision on a point of so much importance, as that of giving the East India

Company notice, that parliament would pay off the 4,200,000*l.* Before the House attempted that rash step, before the noble lord hazarded his speculation of a new company, the state of the Company's accounts ought to be laid before them, the state of the acquisitions in India, the state of the revenues, and every other paper and document that could enable the House to form an opinion and judge for themselves. He repeatedly asserted, that they were not yet ripe to form any such opinion or any such judgment. It was the rapacity of the minister to gain a great revenue from America, that had lost us the thirteen colonies. Let that be a warning to the House not to let the revenue mislead them again. Let them regard the East India Company as their friends, as their best commercial allies, and as their brethren. The noble lord talked of the public, and the rights of the public; the East India Company was a part of that public; as dear to the House, and as worthy their attention, as the noble lord and his speculations of revenue, as any minister who now did or ever had existed. After pursuing the subject with great animation, and in the most glowing terms, Mr. *Burke* spoke more coolly, and said, he asked pardon if he had been betrayed into too much warmth, but the vast importance of the subject had impressed itself so strongly on his feelings, that it was impossible for him, on hearing such a fatal, such an alarming motion, to speak of it with moderation. He urged the noble lord not to press the motion at present, and concluded with moving the previous question.

Mr. *Gregory* expressed a wish, that government would come to some agreement, without treating on the conditions in parliament. He agreed with both the hon. gentlemen, that the House ought not to enter into the business in a precipitate manner, but consider it with all possible caution and circumspection; an affair which, in his opinion, called for the united wisdom of the ablest men in the kingdom. He professed his readiness to assist in giving the best information which a residence of upwards of 20 years in the East Indies had enabled him to collect; and earnestly recommended to both sides of the House, to consider the question as a great question of state, in which the interest, power, and dignity of this country were most essentially concerned.

Mr. *Rous* described the interior of the

country, and the mismanagements and oppressions committed by the nominal servants of the Company, who were countenanced and supported by a faction in government at home. The government, it was true, was carried on under the name of the Company, according to the forms of its constitution; but it was equally true, that ministers here had created a power and interest on the spot, which defeated every measure adopted in Leadenhall-street. In a recent instance, well known, government had been subverted there. He then spoke of the arrest and imprisonment of lord Pigot, and entered into several of the particulars which came out in that transaction.

Mr. *Stratton* rose to justify his conduct: he said, the government had not been subverted; that the steps taken on that occasion were necessary, and prevented the subversion which had been unjustly attributed to the actors of that business.

Mr. *Rous* was astonished how the hon. gentleman could pretend to say, that the government at Madras was not subverted. The hon. gentleman disclaimed the having any concern or any thing to do with the claim of Mr. Benfield on the rajah's country, under the pretence of money lent to the nabob, on the revenues, or crop; but when the hon. gentleman was so ready to pledge his honour, as having no concern with Mr. Benfield, would he go a little farther, and pledge it, that neither he, nor the persons with whom in this transaction he had acted, entered into no private treaty with the nabob, his sons, or his agents, for defeating the purposes for which lord Pigot was sent out by the Company, namely, the restoration of the rajah of Tanjore to his dominions, which had been wrested from him by the aid of those very persons, who afterwards opposed that prince's restoration; and when they found that impracticable, opposed the giving the rajah the possession of his country, unless he acknowledged himself bound to repay what they pretended to have advanced to the nabob on the revenues of Tanjore.

Mr. *Stratton* repeated his former assertion, that the government had not been subverted; that he had undergone a trial for the facts now charged against him; that the sentence upon that trial plainly shewed, that none of the persons concerned in the arrest of lord Pigot were deemed as having intended to subvert government;

and as to any private treaty with the nabob, he could repeat upon his honour, that he never was a party to any treaty with him, nor did not believe any such supposed treaty ever existed. He acted from a sense of duty, and was ready to contend, that the conduct of the majority of the council originated in motives, not of choice, but of the most extreme necessity.

The *Attorney General* observed, that no man was more ready to give credit to the assertion of a gentleman given upon his honour than he was; but private assurances, however respectable, had no weight with him, when they militated against public judgments, legally and solemnly pronounced. Nay, he would go farther, not even oaths. The hon. gentleman had been convicted by the verdict of a jury, by the legal and constitutional voice of his country, of having subverted the government of Madras. He was not therefore permitted to doubt of the fact, so far as that went. As to the hon. gentleman's intentions, as set forth in his affidavits sworn to in common with others, he by no means intended to controvert the truth of them. Whatever they might be, however true, still he was entitled to say, that the charge of having subverted the government was not only proved, but declared by the judgment of his peers. It was not his business, in that place, to review the sentence passed upon the hon. gentleman and his colleagues. The court did not think that the facts found were such, or so laid, as to justify the sentence prayed by him, acting under the direction of that House. The court might have, in so doing, acted very properly; but still the material part of the charge was maintained, though the intention of the offenders so far wrought on the court, as to mitigate the severity of the sentence. The argument of intention, if carried its full length, would go to the impeachment of the sentence, as well as the verdict. That he believed was not what the hon. gentleman meant; he spoke, he presumed, to the measure of the punishment, not to say that no punishment was due, because no crime had been committed.

Sir *G. Wombwell* denied that administration had improperly interfered in the affairs of the East India Company. They had done nothing but their duty. The public, upon a renewal of the charter, had most certainly a right to impose terms upon the East India Company, and had

no other bounds in dictating those terms than the general interest. That general interest could be no otherwise supported than by fair, equitable, practicable terms on the part of government. If they were such as the Company would not be able to perform, the consequence would be, that the Company must be ruined, and the nation be disappointed; in truth, their interest was so inseparably connected, that it was impossible to serve or hurt one without materially serving or hurting the other. This being his opinion, he supported the propositions made by the noble lord to the directors in the general court; because, though perhaps they did not meet exactly his ideas, they afforded a proper basis for a treaty, to be afterwards modelled in parliament. The proprietors propositions stood partly in the same predicament, though farther removed off the true ground; but this he would say, that either or both contained matter very fit for parliamentary discussion, where they must come, in any event, at last to receive the sanction of the legislature. The present motion, besides being sanctioned by the authority of an act of parliament, naturally led to that point. It would of course bring the whole business under the consideration of that House, where only it could be finally adjusted.

The *Attorney General* went very fully into the subject of the local government in India. He said it was conducted upon very improper ideas, and called most loudly for the interference of that House, where only the evil could be corrected. About forty years since a system of oppression had been adopted by the Indian princes. A series of usurpations, struggles, and civil wars, first gave birth to it. Princes were deposed, competitors daily rose up, and usurpations almost yearly happened within the empire of Indostan. The victor or usurper, having acquired dominion by force and violence, had no interest in the dominion thus acquired. He looked upon his throne to be held by a very precarious tenure, and of course endeavoured, by extortion and oppression, to amass money during his temporary government, for the purpose of enabling him to defend his crown against the next competitor, or to render himself a rich individual when it should become his turn to be dispossessed. Hence the subject was oppressed beyond measure. The full value of the soil, that being the source of all revenue in India, was taken, and the tenant

or landholder, instead of labouring for himself and the state, was compelled to labour only for the lord of the soil. He would appeal to gentlemen's experience and feelings, whether that country must not in the end be ruined or depopulated where such a policy prevails. This might be excused in some measure, in those whose religion, manners, and policy taught them to suppose, that the many were created for the purposes of administering to the enjoyments, happiness, and dignity of the few; but under an English government, such an idea was to the last degree preposterous, impolitic, and absurd. What, however, had the East India Company done? They had copied the barbarous policy of those to whose possessions they succeeded; they had copied the same system of oppression, by which at length they defeated the only end such a system could answer, that of enormous sums drawn from the sweat and toil of the miserable inhabitants. To reform this shameful abuse ought to be, in his opinion, one great object with parliament. He thought the people, besides the scanty subsistence they drew from their labour and industry, ought to have an interest, a stake in the government of the country they lived in; they should be rewarded for their industry. It would hold them by ties the most indissoluble to a government which held out personal rewards for honest industry. It would create an affection and attachment; it would render them not only useful, but dutiful and loyal subjects; but above all, it would give a permanency and stability to our government, which could not be acquired by any strength or terror derived merely from the superior skill and bravery of our troops. The British subjects in Indostan must soon see the difference between them and the subjects of the Mahometan and native princes. This, sooner or later, would naturally lay a foundation of strength and internal prosperity, which would render our possessions in that country as permanent as any one part of the British empire. He would therefore recommend to the House, when the affairs of the Company came before it, to pay a special attention to this particular. The present territorial revenue, as he heard in the course of the debate, had been stated at 3,400,000*l.* per annum. He would maintain, that though some defalcation should be made in the rents to the landholders, that defalcation would be amply made up in other respects. The

revenues would be more regularly paid; there would be fewer deficiencies; in short, in every point of policy, commerce, population, and even revenue, he was persuaded that the adoption of the plan which he had thus hastily thrown out, would be found much preferable to the present system of personal oppression, and all the mischiefs which arise from imposing rack-rents upon the wretched people of that country.

Mr. *Hussey* approved of the noble lord's motion, and in reply to one of the speakers, who had termed the East India Company great and glorious, he denied that they deserved those epithets, declaring that the Company ought to be regarded with a jealous eye by parliament, or from gross mismanagement, the directors would lose all our acquisitions in India. He thought the propositions, which the directors had proposed as having been assented to as the basis of a treaty by the noble lord, such as the Company ought to have acceded to, and being a proprietor, he had voted at the general court accordingly.

The House divided on the previous question;

Tellers.

YEAS	{	Sir Edward Bayntun - -	}	142
		Mr. Robinson - - -		
NOES	{	Sir George Yonge - -	}	68
		Sir W. Meredith - -		

The original question was then put and carried.

Debate in the Commons on the Duel between the Earl of Shelburne and Mr. Fullarton.] March 22. Sir *James Lowther* rose and said, he had been excited, from what had happened that morning, to call the attention of the House to an affair which he thought merited their immediate consideration. A duel, he understood, had that morning taken place, in consequence of some words which had been spoken in both Houses of Parliament. If this was to go on, and the House did not interpose its authority, there would be an end to the freedom of debate, and an end of the business in parliament. The custom seemed to be growing upon gentlemen, and it behoved the House to exert itself, and proceed in such manner, that the two recent instances of the kind might be the last. When he said this, he by no means wished to put men of spirit into a dishonourable situation. It had been his misfortune more than once to have been

engaged in such affairs, and whenever he was called upon, he trusted he should shew himself ready to do what was proper. But he was then speaking as a member of parliament, and an advocate for the freedom of debate. If free debate were to be interpreted into personal attack, and questions of a public nature, which came before either House, were to be decided by the sword, parliament would resemble a Polish diet, and the members would do better to give up all ideas of parliamentary discussion, to abandon the senate, and resort at once to the field, where they might have recourse to arms, as the sole arbiter of political difference of opinion.

Mr. *Adam* rose, and immediately the attention of the House was fixed upon him. He declared the hon. gentleman had made it necessary for him to say a few words, because most clearly the hon. gentleman had alluded to him in one part of his speech. With regard to a certain business, in which he had the misfortune to be concerned, no man could regret it more than he did, nor could any one have more unwillingly entered upon it. He thanked the hon. gentleman for giving him an opportunity of publicly declaring that he had in that unhappy affair acted without communication with any one, but solely in compliance with the dictates of his own heart, and the impulse of certain principles of honour and feeling, implanted in his breast by nature, in consonance to which he had ever acted, and hoped as long as he lived he should continue to act; because whenever he struck out of that path to which those principles directed, he should hold himself unworthy of attention from any man of honour and integrity. Amidst the unwelcome sensations occasioned by the recalling to his mind that unfortunate affair, which he hoped would be the last of the kind he should ever be involved in, he had one comfort, and that was, that it enabled him in the face of the House to do justice to the character of the hon. gentleman (Mr. Fox) concerned with him in the unfortunate affair alluded to, and to assert in the hearing of so respectable an assembly, that he had found in him that spirit, that manliness, and that honour, which it was before supposed the hon. gentleman possessed, and which equalled those transcendent abilities that had created him the admiration of every member in that House, and of none in a more eminent degree than of himself. He hoped what he had now said

would not be thought flattery ; he meant to flatter no man, and he was sure if he so far descended from his own principles to be mean enough to attempt to flatter the hon. gentleman in question, the hon. gentleman's liberal spirit, and dignity of feeling, would have induced him to reject the flattery with the disdain it would merit. His sole intention was, to do the hon. gentleman justice.—He was conscious of the great respect due to that House, and he could read in the Speaker's countenance his sense of the impropriety of referring to such a matter within those walls. He felt the respect he owed to the House as much as any man, but he felt also the respect due to his own character, and he hoped the House would have the goodness to overlook the irregularity he had been guilty of, when they considered the torrent of abuse that had been poured down upon him in almost every newspaper, and the base motives that had been imputed to his conduct ; motives so mean, so infamous, and so much beneath the adoption of any man who had the smallest sense of honour, that he trusted no person who had the least knowledge of his conduct in life, could for a moment harbour a thought so intolerably injurious to him, as to imagine they actuated him in the affair to which he had felt himself under the necessity of alluding. He declared to God, he had no motive whatever but the conviction that he could not exist with honour, without taking the step which he had taken. And so far from being guilty of the base servility of hoping to please a minister by what he had done, he disclaimed any connection whatever with the minister ; he thanked God he could say he had never crossed the threshold of that minister's door, he had never asked him a favour, nor had he any favour to ask of him. He added, that though the grounds upon which the hon. gentleman, who had been concerned in the affair with a noble earl that morning, had proceeded, were uncommunicated to him, so well was he acquainted with the principles of that hon. gentleman's heart, of his high sense of honour, and of his strict attention to every thing that became a gentleman, that he would undertake to say, he had proceeded upon such grounds as would, whenever they were known, add to the respectability of his character, place him, if possible, still higher than he was, in the opinion of all who knew him, and entitle him to the approbation of every man of honour

and sensibility. He had been bred up with the hon. gentleman, he knew his principles, and he should have thought himself unworthy of that friendship in which he lived with him, and which he regarded as a high honour, had he not said thus much in his behalf.

Sir *Adam Fergusson* spoke in the praise of Mr. Fullarton, in terms of the warmest panegyric, and said, he was sure that gentleman had acted upon the most pure and correct principles of honour in the unfortunate affair which had taken place that morning, the particulars of which were unknown to him. He declared he had often felt the extremest pain at hearing in the course of debate that degree of personal invective which every gentleman, on reflection, must know to be improper, and must be conscious he would not be suffered to make use of in any other place. Sir Adam submitted it to the candour of the hon. gentleman who had first alluded to the transaction, whether it would be right, in point of delicacy, to proceed to discuss it, or make any motion upon it, in the absence of the hon. gentleman who was principally concerned in it.

Sir *James Lowther* declared he had no intention to enter into a particular discussion of it, neither had he any intention to make any motion upon it in the absence of the hon. gentleman. If he had mistakenly proceeded to any such matter, he was sure the Speaker would have stopped him the moment he attempted it. He had spoken generally upon the subject, which struck him as directly militating against the freedom of debate ; in this point of view he had taken it up as a member of parliament, and so far was he from designing to make any personal reflections, he had never been at the house of the noble lord, and the hon. gentleman was unknown to him even in person, till he had risen a day or two since, and complained to the House of his having been injuriously reflected on elsewhere. Without meaning any thing personal, therefore, he must repeat, that the matter ought by some means or other to be brought before the House, and if that was not fixed as the last day of their sitting, before the recess, and much important business was to be done, he should move, that the House proceed to the investigation of it instantly, because he considered the freedom of debate as an object of the first care and attention of parliament. As the House was situated, he would not move to have the

matter then agitated, but he begged the House to receive it as a notice from him, that he should move, immediately after the holidays, that the hon. gentleman do attend in his place, and that the matter be then taken into consideration.—A general murmur of No! No! ran through the House; upon which sir James declared he had no objection to alter the words of the motion he should hereafter make, if they appeared to be improper.

Mr. *Burke* began with complimenting Mr. Adam for the encomium he had passed on his hon. friend. He declared that the warmest panegyric was but justice to his character, and complained of his hon. friend's having been called out, not to answer for what he had said in parliament, but for what a newspaper had chosen to impute to him. God forbid, (he exclaimed) that gentlemen should be expected to answer for the gross misrepresentations of their speeches in that House, which appear from time to time, in some of the daily papers! Having said this, he went into a discussion of the matter which had given offence to the hon. gentleman, who had that morning fought a duel with a noble friend of his, a member of the other House. He contended that the words spoken by his noble friend were in the strictest sense parliamentary language; that it was impossible to talk of public measures, without alluding to the men connected with those measures, and that there was an end to the freedom of debate, if gentlemen gave way to their private feelings, and took offence at what was not personally meant. The hon. gentleman who was absent seemed to have confounded public debate with private conversation. In the latter, the object was the happiness and satisfaction of all present; it was there the duty of every one to be upon his guard, and to take care that he let no expression slip him which might give offence to another, or disturb the harmony of the meeting; in public debate, the case was widely and essentially different. The very means and end of public debate, were free discussion, and an open unreserved mode of agitating every subject, to which the question under debate had reference. Without that free discussion, the question could not be agitated at all. This doctrine, he proceeded to apply to the case in question; the earl of Shelburne had entered into a consideration of the state of the army, a material part of the public expence, and surely, a

fit matter for parliamentary discussion; in doing this, he had complained of one regiment being put under the command of a person, whom he described, perhaps not very correctly, as a clerk. Would any gentleman say that this was not parliamentary? What offence was there in it? He would take upon him to assert that there was none. It was not directed personally, and no gentleman ought to have mixed his private feelings so far with public debate as to have taken it to himself.

Sir *H. Hoghton* interrupted Mr. Burke, by begging him to remember that it had been in a manner agreed, that the subject should not be discussed in the absence of the hon. gentleman concerned.

Mr. *Rigby* subscribed most fully to the doctrines laid down by the hon. member who spoke last but one, relative to the freedom of debate. Public measures and public men were fit subjects of discussion, and if any check was put to the unreserved agitation of such topics, parliament would be of no use, and might as well be abolished. Certainly every member had a right to speak his mind in parliament, in the freest manner upon all public matters, and in some offices and appointments the man was so blended with the office, and the two were so inseparably connected, that it was impossible to make a distinction, and allude to the one without at the same time alluding to the other. These were facts that every gentleman must agree in. How far it was warrantable in the discussion of public matters, and in the allusion to public men, to throw out reflections of an invidious nature, and to treat them contemptuously, was another question respecting which every gentleman must draw his own line, and act accordingly. An hon. member had said he should move an enquiry into an unfortunate affair, which he understood had taken place that morning; might he advise, no enquiry whatever should be instituted respecting it. That, and every other matter like it, should rest undisturbed, and be buried in oblivion. Both parties, he was happy to hear, were safe, and that the affair of the kind had terminated more to the honour of those concerned in it. Why, then, interfere with it? Did the hon. gentleman think that any order or resolution of that House, that any act of the legislature could prevent a gentleman's going out, as it was termed, with another, if he felt his honour injured? Had gen-

tllemen so soon forgot that there were acts of parliament against duelling now in being? The very attempt to prevent one man's fighting with another, was absurd, because it was impossible, by any regulation of parliament, to prevent it. What one gentleman felt as a reason for calling another out, might not operate equally in the breast of a second person. Every gentleman had his own peculiar feelings, and every gentleman would preserve his honour, in his own way. Duels of the kind that had happened that morning, had happened occasionally, time out of mind, and indisputably would happen again and again, as long as the world should endure. They were therefore matters which every man must lament, but which no man, nor no set of men, were able to put a stop to. Out of this great evil, however, he did think some little good would ensue, and that was, it would teach gentlemen to confine themselves within proper limits, and though it might not, and he hoped it would not, abridge the freedom of debate, he hoped it would make men speak in parliament with better manners. This remark, he declared, he did not mean to apply personally to any gentleman. They were all apt to be off their guard in the hurry and heat of debate. He had himself been as guilty of this error as any member, and he had lately in a particular instance treated an hon. gentleman with less civility than he ought to have done. He was conscious of this, and condemned himself for it. He repeated, therefore, that he hoped the unfortunate affair that had taken place that morning, and a similar one which had preceded it, would serve as a warning to all of them, and teach them to distinguish between the freedom and the licentiousness of debate. He disapproved of the idea of moving that the hon. gentleman concerned in the affair of that morning, be ordered to attend in his place. Such a motion was highly improper. It involved censure in it, for no member had ever been so ordered, unless the House were previously in possession of some matter of complaint against him, for which they called upon him to answer and clear himself. He concluded with earnestly desiring that the matter might be dropped.

Mr. *Burke* said it was unfair to attack any gentleman in his absence, but it was still more unfair to accuse a man of having done wrong, or of designing to do wrong, and then to condemn him to silence. An

hon. member had accused him of intending to go into a personal discussion of the affair of that morning, and in the same moment had desired that he would not say a word in his justification. He must, however, break through the rule, and declare that he had no design to go into a personal discussion of the affair of that morning, he only meant to have argued it on parliamentary grounds. With respect to what the right hon. gentleman who spoke last had said relative to the impossibility of preventing duels by orders of that House, he could not surely imagine that either he, or the hon. gentleman near him, were so absurd as to attempt to make laws for the restraint of the human feelings and passions. No such thing was in their view. He then proceeded to state the real object of their design.

Sir *James Lowther* declared, that there should be an enquiry, for he was determined to move it an early day after the holidays; and though he certainly would not move that the hon. member be ordered to attend in his place, he hoped the hon. member's friends would inform him of his intention, when, as a man of honour he did not doubt but he would be present. As a proof of the propriety of the House's investigating it, he instanced the late interposition of the Speaker, when a serious affair was near taking place between a learned gentleman, and an hon. friend of his, on that side the House.

Mr. *Fox* declared, that what a right hon. gentleman (Mr. *Rigby*) had said, made it necessary for him to say a few words. The right hon. gentleman was apt to speak in a loose and careless way, and therefore, perhaps, he had not any particular meaning in what he was going to mention; but as the words seemed to point to him, he must notice them. The right hon. gentleman had said, he hoped what had happened that morning, and what had happened before of a similar sort, would keep gentlemen within proper limits, and at least teach them better manners. He begged to say for one, that what had happened to himself had not taught him better manners, nor should it ever restrain him within any other limits, than those which he had chalked out for himself. With regard to the noble earl concerned in the affair of that morning, about which it certainly better became him to talk than about any thing which related to himself, he did not believe it would teach him better manners, and for this reason,—he

was sure his noble friend had not gone beyond proper limits, in what he had said. So sure, that when the new levies came under consideration, he meant to object to that particular regiment, which his noble friend had objected to, on the very same ground, namely, because the person appointed to the command of it, did not appear to him to be a fit person to hold that command.

Here the matter dropped.

Debate in the Commons on the Army Estimates and the New Levies.] April 5. The Secretary at War moved that the Army Estimates be referred to a committee.

Sir *P. J. Clerke* opposed this motion. He directed his objections principally to the new levies, and in particular to the regiment over which Mr. North was appointed to command, declaring that in his opinion, the appointment vacated the hon. gentleman's seat in that House. It was evident the whole business was a job of the minister, that it was an insult to the army, and might lead to most mischievous consequences. He declared he had no objection to the noble lord's son, nor any suspicion that the regiment would be improperly employed under his direction. The hon. gentleman was every way a respectable character; but if men not bred to the army were of a sudden to be preferred to the command of regiments, there was an end of military system, and those who deserved best of their country from long service, would loudly complain of the gross injustice of such conduct. Every good officer must be expected to retire in disgust, and thus the country would be deprived of all the advantage their army could receive from being commanded by officers of knowledge and experience in the art of war. Sir Philip enlarged upon the dignity and advantage of being a colonel; shewed that interested men might put a large sum of money into their pockets from holding such rank, by selling the commissions of the officers under them, and called upon the House to support him in interfering in the very beginning of the mischief, and put a stop to a business founded upon a mere jobbing idea, and which could do no good, but might do a great deal of harm. In order to effect this purpose he objected to the papers in question being referred to a committee.

Mr. *North*, (lord North's son) rose for the first time, and said he would not have

troubled the House, but as the hon. member had pointed a great part of his speech personally at him, it might be thought necessary for him, out of respect to the House, to say a few words; still however he should have remained silent, had not the whole of the hon. gentleman's argument been founded upon a complete mistake, as far as it regarded the regiment at the head of which he had the honour to be. The hon. gentleman had said a great deal about rank and emolument; in answer to which he could only declare, that he was neither to have permanent rank nor any pay; and that his appointment could be attended with no advantage to him whatever, further than the honour which he derived from the circumstance of contributing by his personal service to the defence of his country in a moment of public danger. With regard to the doubt which the hon. gentleman entertained respecting the vacating of his seat in consequence of his being appointed colonel of the regiment in question, the hon. gentleman perhaps was not aware that his regiment was one of the fencible regiments, upon the same footing with the militia, and that the officers of the fencible regiments were by two clauses moved by the right hon. gentleman opposite to him (Mr. *T. Townshend*) exempted from vacating their seats.

Lord *North*, in confirmation of this assertion, moved that the clauses referred to be read; after which his lordship gave the House a detail of the regiment being raised, and the mode of raising it. He stated that by the new militia law, the cinque ports were exempted from the provisions of that act. That as matters stood previous to the beginning to raise the regiment his son commanded, the cinque ports, which were more liable to attack than any part of the kingdom, were left defenceless, and that they contributed in no share to bear the burthen of the public defence. That they could not arm but under the old militia law, which had been exploded in that House, and which would have been exceedingly difficult to the cinque ports, and when carried into practice of little or no use. That thinking they ought to contribute their share towards the public defence, he had conferred with the inhabitants of the cinque ports, and had offered to contribute a considerable sum towards raising a regiment of fencibles. That upon their agreement, they had made a tender of such a regiment;

that the offer had been graciously accepted by his Majesty. The regiment was now nearly completed, and though it had cost the cinque ports some expence, and had cost him a great deal; it had not been any expence to the public. That such a regiment was of very essential service in the defence of the country, and could produce him no sort of advantage, nor any return for the large sum it had cost him. In no sense, therefore, did it merit the name of a job. With regard to his son's having the command of it, that matter had taken place in consequence of the gentlemen of the cinque ports having applied to him, and desired that one of his family might be at the head of it. His son was not to receive any pay, neither was he to gain rank by it. He was merely doing his duty to his country in such a manner, as he had thought it became him to act, and which surely could not be imputed to him or his son as a matter of blame. The regiment was a fencible regiment, and there were several young gentlemen, not older than his son, at the head of regiments of the militia; he could not therefore think that the hon. gentleman would, after what he had said, object to the papers being referred to a committee, on the single ground of his son's being appointed to the command of the regiment now raising for the defence of the cinque ports, since it was one of the cheapest to the public ever raised, and had not even cost them the levy money of a guinea a man, paid to the militia.

Sir *P. J. Clerke* acknowledged he was not aware that his lordship's regiment was a fencible regiment, having ever considered the term fencible as applying solely to the regiments raised in Scotland. He said he was well aware in what manner the noble lord's other regiments were raised, but he had not before known the particular conditions on which his regiment of red coats had been raised.

Mr. *T. Townshend* agreed with the noble lord, that most certainly the seat of the hon. gentleman was not vacated, as his appointment came directly within the meaning of the two clauses. His hon. friend near him, notwithstanding the ground of objection which he had started to the papers being referred to a committee, had been done away, deserved the thanks of that House, and of the public, for having called the attention of gentlemen to the new levies, which certainly were of a very serious nature. Before,

however, he proceeded further, he begged the House in general to know, that though he meant freely to canvass the subject then under consideration, he had no intention to give personal offence to any man, or any description of men; he meant to do his duty as a member of parliament; and in doing that, he should not pay any regard to the doctrine of its being necessary to keep within bounds. Every thing which exceeded the proper freedom of debate, he certainly should avoid, but that freedom he ever would maintain. Having said this, he began to canvass the propriety of an hon. gentleman, who had never been in the army, and who knew nothing of military life (Mr. Fullarton) being appointed to the command of a regiment. He said it was a cruel injury to the army, and a most unjustifiable matter in itself. As well might the hon. gentleman be appointed to the vacant deanery of Salisbury, or the vacant seat on the bench of the court of Common Pleas. He complained of the general partiality in accepting the offers to raise regiments, in almost every one of which, the army had been grossly ill used, by having either very young and inferior officers raised to high commands, or those appointed to them, who had never served before, and were total strangers to the army. He instanced the cases of colonels *McCormick*, *Keating*, *Stanton* and others, and compared the favour shewn to them, with the conduct that had been held to the earl of Derby, major *Stanhope*, and the earl of *Harrington*; the latter of whom was sent to the West Indies, and subjected to the command of a superior officer, who but the other day was only a lieutenant on half pay. He instanced the hard fate of colonels *Meadows* and *Musgrave*, the latter of whom he described as coming home, and asked if he was to have no reward for his long and gallant services but his many wounds and a ruined constitution? He placed col. Fullarton's appointment in every possible light. He loudly reprobated what he deemed an unfair partiality to the Scotch, declaring, at the same time, that he abhorred national reflections as much as any man; that he was ready to own a Scotchman would make as good an officer as an Englishman. All he meant to object to, was, the exclusive appointment of the Scotch to the command of the new regiments. If a Scotchman was once appointed to the command of a regiment, from that hour, he asserted, Englishmen were excluded

from the regiment, for no English officer could hold a commission in it. This he termed a hardship and a partiality, which however invidious his mention of it might appear, he felt it his duty to state to the House. He asked if the English officers were to attempt to get commissions in the regiments raised in Scotland, would they be permitted? Why, then, were Scotch colonels to have their head quarters at Derby? Was the service of the hon. gentleman's regiment such as no English officer would undertake? He was sure there were many who would most readily have accepted of the same commission on the same terms. For these and other reasons he objected to the papers being referred to the committee.

The *Secretary at War* shewed that various noblemen and others who had never been in the army, had been suffered to raise regiments, and command them last war. He mentioned generals Frazer, Morris, and others. With regard to the partiality to the Scotch, which had been complained of, he produced a long list, whence it appeared that the complaint was ill-founded. In answer to the attack upon col. Fullarton's appointment, he spoke of the hon. gentleman's offer to government in very high terms, and said, that when gentlemen of active minds and enterprising spirits, made a tender of their abilities, and pointed out particular services of the first importance, it surely would be indefensible in government to turn a deaf ear to their offers, especially when the conditions on which they tendered their regiments, were much cheaper to the public than those of other persons. That the service for which the hon. gentleman's regiment was destined, would, when a proper time for its being known came, he doubted not, sufficiently apologize for the appointment, which had now been so much complained of.

General *Burgoyne* said, that the appointment of general Frazer to a high command last war, had been a political, not a military measure. That the idea was a very wise one, as it was with a view to endeavour to reconcile some of the northernmost clans, which had entertained old prejudices against the government; that it answered its end, and as well as serving to raise some brave regiments of hardy soldiers, it effectually rooted out the ancient animosities of those parts of the Scotch nation, which had been most inveterate against this country. The general

contended that an army without discipline was of no service whatever, and that a regiment of raw recruits, headed by an inexperienced leader in martial matters, was not likely to carry any enterprise through with success.

Mr. *Byng* complained of the gross injustice of appointing persons who had never been in the army to the command of a regiment, while so many brave officers, who had served for many years, were unemployed. He reprobated the plea for the appointment of the hon. gentleman, that he was of an enterprising and active spirit, asserting that such a declaration was an illiberal attack upon the army, as it was neither more nor less than saying, that there were not among those already in the army, men equally enterprising, and ready to undertake whatever service they might be sent upon. Mr. Byng stated the custom of the army when he belonged to it, and said, that had he continued in it, he should now have been 27 years in it, without attaining the command of a regiment, whereas the hon. gentleman was to be promoted to the rank of lieutenant-colonel at a single step. He complained of the great partiality shewn to the Scotch, and said he did not envy that nation, but only wished his own countrymen might share with them the favours of government.

Mr. *Fox* threw out a variety of pointed sarcasms on clerks and *commis* being suddenly converted into officers of high rank, and ridiculed the idea of the appointment of the hon. gentleman being excused, on the plea of its being merely during the war, and that when peace came, he and other gentlemen preferred to the rank of colonels at once, would become private men again. He asked whether the time of war was not the time when officers of experience were most wanted by their country, and rank in the army most estimable? What did it signify in time of peace, who was a colonel, or who was not? Rank then, was only the instrument which procured officers, whose services merited a comfortable and honourable provision. The army was at all times an object, of which it well became that House to be extremely jealous; but most particularly so, when new regiments were raising in such abundance, and the commands so extraordinarily bestowed, that it warranted a suspicion that sooner or later the army was intended to be employed against the liberties of the people. There had scarcely been an offer accepted, or an offer rejected, within the last eighteen

months, which did not prove either a scandalous partiality, or a most unwarrantable refusal. Let gentlemen consider the handsome offer of the earl of Derby, to raise a regiment, and the manner in which it had been refused. Let them recollect that the only objection insinuated, was the earl's having desired permanent rank, but that he had afterwards waved that claim. As an evasion it had been said, there was no letter from the earl of Derby, specifying that he had so waved it; and though it was allowed that he had made the declaration publicly in the House of Lords, it was pretended that no notice could be taken by office of what was there said. This, however, would strike every man of candour as a pitiful quibble, and would make the conduct of ministry appear rather worse than better. Let the House remember the answer given to major Stanley, who died as much in the service of his country as if he had lost his life in action at the head of his regiment. Let them remember likewise the refusal to lord Chatham, and the refusal given to Mr. Grenville, brother to lord Temple, and to Mr. Wyndham, brother to lord Egremont, both ensigns in the guards! What had been the plea in their cases? That they were in the army, and could move but one step at a time; so that the absurd system now pursued in the military line, was, that those who, from having been bred up in the army, and having served, were best qualified for high commands, had no chance of obtaining them, while unprofessional men, men employed as under secretaries of state, and in civil capacities all their life time, might have them for asking for.—He declared he objected to various parts of the estimates. If the men who had been raised on one condition to serve in the troop of horse (colonel Holroyd's) and who were afterwards put upon a different footing, and re-attested, as he understood, for that purpose, had not had a free alternative of either being re-attested or discharged, as they thought proper, they had not been fairly treated.—He then entered into an argument on the respectability and antiquity of the family of the earl of Derby and others, whose offers to raise regiments had been refused, deducing from the premises, that such men were best attached to the constitution, and most likely to preserve the liberties of the people; inferring, that he was warranted to suspect from their offers having been rejected, that the new regiments were de-

signed to do something adverse to those liberties. He took occasion in this part of his speech, to advert to the antiquity of the Scotch families, and ridiculed them. He said further, that he had no objection to the Scotch; that among his friendships, many of them were with gentlemen of that country whom he esteemed and loved; but still he could not help now and then reflecting on what had past in former times. Forget and forgive, was an easy maxim to speak, but a hard matter to practise. When he considered what had happened twice within a century; that the most dangerous attacks on the constitution had come from the northern part of the kingdom, he could not but be alarmed, when he saw the partiality daily shewn to Scotchmen. He could not but recollect, that at one time, in order to obtain power, the Scotch had agreed to give up what they held most dear, their religion, and to swallow popery, such was their eagerness to establish an absolute monarch, and to exercise their love of tyranny. Reflecting on these matters, therefore, he owned he was alarmed at the number of Scotch officers, who had of late got into the army, more especially the number of those who had obtained the commands of new raised regiments.

Colonel *Holroyd* said, he believed the best method of replying to what had been insinuated, would be by a short account how the corps happened to be raised. Last summer, during the time invasion was most talked of, he said he wrote to the Secretary at War, acquainting him, that if more light troops were wanted, he thought it was in his power to raise them. He mentioned at the same time, that he merely wished to be useful; that his situation as major of the Sussex militia was as agreeable to him as any military situation could be. He never applied to any minister, he never had before the least intercourse with the Secretary at War, or chief in command. He only wrote by the post, in the stile of a man offering his assistance, not thinking of acquiring advantage to himself. He received an answer that the King accepted his offer. The regiment was raised in a very short time, both men and horses, and he believed those who had seen them would say there were not finer in the service, without one farthing expence to the public. He had neither stipulated for permanent rank nor half pay for himself. He would presume to say, the public, or government, or

whatever they pleased to call it, was infinitely more obliged to him, than he was to government. There was nothing in the gift of government could make him amends for the neglect of his private affairs, the desertion of his family, the desertion of his home, a home to which he was as much attached as any man in that House possibly could be; a home however, which he had scarcely seen since the war with France began. As to the business of re-attesting the men, that was strangely misrepresented. It was not till the corps was raised that he was informed it was intended as a fencible corps. He did not know that such corps existed out of Scotland. He represented to the commander in chief the disappointment it would be to his officers, who came from old regiments. He was told his regiment should be put on the establishment to serve at large, if his men would re-attest for that purpose. He went to the regiment, explained the business fully, and all, except a very few, immediately consented to re-attest. The change was very disadvantageous to him, he subjected himself to go on any service, although there was not a man in England to whom it would be more inconvenient. He should only add, therefore, that there was not in that House, or in England, a more independent man than he was, either from principle, disposition, or situation. He found, however, the part he took in the Milborne Port business, was considered by some as a mark of his dependance: but he had infinite satisfaction in the opportunity of proposing such an act of justice; his intention was to support the minister, as the servant of the public.

Mr. Fox desired to know whether the men had been allowed the fair alternative of being discharged in case they did not like to be re-attested or not.

Colonel Holroyd would not answer, but said no member was warranted to interrogate him.

Mr. Dundas retorted on Mr. Fox for his reflections on the Scotch. He said, he was sure the hon. gentleman did not feel those animosities and prejudices against Scotland, which he had thought proper to revive in the course of the debate, but that he had chosen to adopt the illiberality of others, because it served his present purpose; he could not however but imagine, that the hon. gentleman had mistaken the day and the place in which he had been speaking. The hon.

gentleman (Mr. Fox) had, when he was younger, been much wiser: there was a time, and he might very well remember it, when he sat on the Treasury-bench, and maintained, that the voice of the people was to be collected no where but in the House of Commons; but he doubted not a time would come, ere long, when the hon. gentleman would be wise again, and agree with him in opinion, that the present mode of proceeding used by opposition could be productive only of anarchy, disgrace, and confusion.

Mr. Fox rose, in answer to the attack that had been so personally directed against him, by the learned gentleman who spoke last. He expected that such an attack would be made, and that it would come from such a quarter. The learned gentleman had talked of what he was totally ignorant, since the assertions to which he alluded were made before the learned gentleman had a seat in the House. He had been misinformed, and had spoken agreeably to that misrepresentation. No man who was in the House at the time, and who heard the opinion that he gave, would have dared to misrepresent him in such a manner; but speaking in consequence of the report which he had received, he had dared to do it, and he was excusable, because he did not know whether he was right or not. In the second or third speech which he had ever made in his life, and at a time when he was only 21 years of age, perhaps expressions might drop from him which were loose and undefined; but it would be very unusual indeed to examine such expressions with rigour. He, however, wished that every assertion which he had made should be fairly tried; all that he wished for was that his words should be fairly represented, and that men who were not in parliament at the time should not take the report of newspapers, nor of informers, as evidence against him. He appealed to the recollection of every man in the House who was present at the time, whether he did not, in the opinion which he gave in the affairs of the Middlesex election, build all his argument in the power of the people. Every topic which he urged was founded on this popular and proper doctrine, and was intended to maintain the power of the people in opposition to that of the crown and the House of Lords. On this ground he had changed no opinion; but he said that the voice of the people was to be collected in that House;

and in the newspapers it was added, that he had said that the voice of the people was not to be collected in petitions. Such an expression could not fall from him: it would have been as inapplicable as unjust. There were not any petitions then before the House. There was no topic relating to such a subject; but that the voice of the people was to be collected in that House he had said, and he still said so. It was to be collected in that House, until they acted in opposition to the voice of the people in the original capacity. In all ordinary cases it was the most practicable and expeditious means of declaring the sense of the people; but when the representative body did not speak the sense of the constituent, the voice of the latter was constitutional and conclusive. This had been his opinion, and it would still be so. He said there was no man who had been more systematic in his opinions and conduct, than himself. The noble lord in the blue ribbon would do him the justice to say so. It was his fault and his misfortune to be too stubborn in his temper, indisposed to the courting of popularity, and too much matched and wedded to his opinions when formed. He would be bold to say that the noble lord in the blue ribbon would not assert that he had ever heard his public doctrines at variance with his private, though he knew well that he had often been surprised at opinions which that noble lord had given in public after hearing his private sentiments. The hon. gentleman remarked with infinite humour on what the learned gentleman had said respecting himself, and his countrymen in general.

Lord George Gordon said he would not answer any thing that had fallen from the last member, as it respected only himself, nor what came from the Lord Advocate; for though he had spoken half an hour, he had not said a syllable to the question. His oratory indeed was very fine. He had given the House English hopes with a Scottish accent: "*Lingua Tuscana in voce Romana.*" It was, however, of very little value, and however elegant it was, nothing more nor less than what was denominated in Scotland "the gift of the gab." It was as little regarded, however, in Scotland as it was in that House, and there were even some of his speeches for which he would be torn to pieces in Scotland. He owned that many of the nobility and the gentry of Scotland, the 16 peers and the 45 members were depen-

dent on the crown and adherents of the minister. The poor, the industrious part of the people, were the only dependent of the Scotch nation.—He was called to order for saying the King was popish. He called on Mr. Fullarton, as a proof that his religion was not tainted by his long residence in Paris during his tender years, to sign the Protestant Petition; and, after one of the strangest speeches ever heard, ending with saying, ministers wanted to make pimps and pandars of the members, to convert the Speaker into an old bawd, and perhaps, for ought he knew, to introduce the whore of Babylon.

General Conway said he could not object to going into the committee, because he could not object to the estimate in the gross; but to the particular corps which a gentleman was appointed to command, who had no military skill and no military rank. Though he highly esteemed the private character of Mr. Fullarton, he thought it an injury to the army that he should have the command of a regular regiment, when there were so many veteran majors, who had the pretension of wounds, experience, and service to plead for preference.

Lord G. Germain said, that Mr. Fullarton had been actuated by pure zeal and spirit on this occasion; as, to his knowledge, he had given up a much more lucrative employment, that he might serve his country in this critical moment. No insult or injury had been offered to the service by accepting of his offer to raise a regiment. It was wanted for a special purpose on a sudden; a very gallant and advantageous offer was made, and at that time there were no other offers, so that other men could not be preferred.

Mr. Burke said, it was exceedingly singular that the noble lord should rise in vindication of a gentleman who had not been attacked, and say nothing in defence of ministers, against whom the whole strength of the debate had gone. There were no other offers then made—was that a reason for accepting this? No other offers for this particular provision could be made, as the nature of the service was known only to Mr. Fullarton. It was a most direct injury to the army, and violated every rule and principle of the service. He went at large into the topic which had been much insisted on during the debate, of prejudices on the one side and partiality on the other with respect

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to Scotland. He detested all general imputations—all marked partialities—all determined proscriptions. They were dangerous and fatal. We ought to be united in heart and affection as well as in interest, and to have but one common undivided claim to favour. He would be as great an enemy to an Irish partiality, to a Southern partiality, as he was to a Scotch partiality. In the infancy of their union with this country there was cause for partiality and favour, since the principal men, by feeling the advantages of a well regulated and a free government, would tend to conciliate the affections of the whole. But must they be always in their infancy? Must they still be fed and nourished to keep them quiet and reconciled? It was the marked partiality which he condemned, not the country. He paid them high compliments, as an ingenious and an enterprising people. As to the particular regiment, raised so unaccountably and so contrary to the rules of the service, he must give his vote against it, and he wished to go into the committee on purpose.

The question for going into the committee now passed, and the Speaker left the chair. The expence of Mr. Fullarton's corps was 8,623*l*.

Mr. T. Townshend rose to oppose the vote for Mr. Fullarton's corps, from the firmest opinion of its being contrary to every rule and regulation of the service. He had no prejudice to any part of this country: he thought the Scotch were very able officers, and that their zeal and enterprise did them honour. But he could not support so evident and marked a partiality as appeared in favour of that country in the present reign. He thought English officers just as good as Scotch; he thought Scotch officers just as good as English. Several offers had been made equally spirited and advantageous with those of Mr. Fullarton and major Humberston, and when he saw a colonel Meadows and a colonel Musgrave unemployed, he could not be patient when such appointments were made. He would be bold to say, that in the new-raised corps, there were four or five Scotch officers for one English. The Yorkshire Rangers were all officered by Scotch; and major Stanhope, who had a natural interest in the county of Derby, had been refused a regiment. Mr. Duburgh, a gentleman of family in Ireland, was also refused permission to raise a corps. Lord Ross, who was a major general, was refused; and another

gentleman, who was a colonel in the service. Their offers were as noble and advantageous; for they only desired the continuance of their own rank.

Mr. Fox said, that of all men breathing, no one entertained fewer prejudices than himself. He detested them. He had many valuable friends in Scotland, and he had the pleasure to say that many noble persons in that country went hand in hand with England on the present occasion. He wished, for his part, to unite every part of the empire, and to lose, if possible, the very names of distinction. It had been the system of this unfortunate reign to maintain itself by division and discord. *Divide et impera* had been its favourite plan. It had accomplished the *divide*, but the *impera* he hoped would never follow. Ireland had been divided from England, England from Scotland, and America from Great Britain. This system of division and discord had set brother against brother, man against man, and connexion against connexion. He wished to see that system superseded by one of family concord, which had an eye to every part of the empire, and proscribed nothing but inability and demerit.

The question being put upon the sum for Mr. Fullarton's corps, the committee divided: Yeas 102; Noes 66.

Debate on Mr. Dunning's Motions respecting the Influence of the Crown—and the Abuses in the Public Expenditure.]

April 6. The House, according to order, resolved itself into a committee of the whole House, to consider of the Petition of the gentlemen, clergy, and freeholders of the county of York, respecting an Economical Reform, and also the several other petitions referred to the consideration of the said committee. The titles of the said petitions being read, in all about forty in number,

Mr. Dunning rose, and said, it was unnecessary to observe that the subject matter to be taken into consideration, was the subject matter contained in the petitions. Independent of the great objects which the petitions recommended to the care and attention of parliament, which had been according to the particular ideas of the several classes of petitioners of a various nature, there was one great fundamental point on which they hinged, that of setting limits or paring down the increased, dangerous, and alarming influence of the crown, and an economical expen-

diture of the public money. In one point of view, both these objects might be fairly consolidated into one great principle. For instance, if the public money was faithfully applied, and frugally expended, that would reduce the influence of the crown; if, on the other hand, the influence of the crown was restrained within its natural and constitutional limits, it would once more restore that power which the constitution had vested in that House, the enquiring into and controuling the expenditure of public money; but nevertheless, though the principle embraced one great object, a necessity arose, that the principle should be divided; that is, the remedy should, in pursuance of the objects held forth and recommended in the petitions, be directed to two points.

Before he proceeded any further, therefore, he should take it for granted, because the fact stood so stated in the petitions on the table, that a reform of the public expenditure, and limiting and restraining the increasing influence of the crown, were the two great objects which must draw the attention of that House, and necessarily force those two important subjects into discussion.

These being the evils set forth in the petitions, it was his duty, however unequal he might be to the task he had undertaken, to apply what he deemed specific and distinct remedies to them both; that was, to propose some remedy, or frame some resolution, which would serve as a basis, on which he might afterwards erect a system of measures, to answer the purpose, and comply with the wishes of the petitioners.

Before he proceeded any further, it would be necessary for him to state and remind the House of what had been done, as it was supposed, in consequence of the petitions now on the table, and how far those attempts had or had not succeeded; because such an enquiry would partly point out the resistance already made and avowed to the great objects of the petitions; and would have this important effect; it would shew, that no redress could be, or was meant to be given to the petitioners, by the modes already tried; and at the same time prove precisely, nay literally, in what particulars those who were supposed to lead and direct the majorities of that House, meant to resist and defeat the prayers of the petitions.

An hon. gentleman behind him (Mr. Burke) had produced a Bill partly upon

the plan of the petitions. It might not embrace every object described, or pointed to in the petitions. But he believed no person, on any side of the House, would dispute with him, that the Bill contained nothing but what was consonant to the letter and spirit of the petitions, nor excluded or determined against a syllable of their contents. He should not attempt to do that gentleman justice for his unwearied endeavours on that occasion, because, with the very best disposition to do it, he found himself totally unequal to the undertaking. He knew it would be painful to his hon. friend to hear his sentiments while present; but as an act of duty, which he thought himself bound to discharge, however irksome to his hon. friend, he could not pass over in silence, what must remain as a monument to be handed down to posterity, of the uncommon zeal, unrivalled industry, astonishing abilities, and invincible perseverance of the hon. gentleman. He had undertaken a task big with labour and difficulty; a task that embraced a variety of the most important objects, extensive, various, and complicated; yet such was the eminent and unequalled abilities, so extraordinary the talents and ingenuity, and such the fortunate frame of the hon. gentleman's mind, his vast capacity and happy conception, that in his hands, what must have proved a vast heap of ponderous matter, composed of heterogeneous ingredients, discordant in their nature, and opposite in principle, was so skilfully arranged as to become quite simple as to each respective part, dependent on each other; and the whole, at the same time, so judiciously combined, as to present nothing to almost any mind tolerably intelligent to divide, puzzle, or distract it. This was a true description of his hon. friend's Bill. He trusted that he would permit him to use that appellation, and it was his peculiar pride to be permitted to do so.

But what was the consequence of such a Bill, brought forward by such a man? Upon its being first proposed, the united approbation of, he believed, every individual in that House. The highest, and, in his opinion, the best deserved eulogiums of every part; and he believed most sincerely, its genuine sentiments at the time, for he could safely make a distinction between the real sentiments of that House permitted to act according to its own immediate feelings, and the impressions afterwards made upon it arising from without.

The House, he believed, expressed the former, on the occasion alluded to; when other opinions seemed to prevail, he most sincerely believed, and was firmly persuaded, that the latter temper and disposition which appeared towards his hon. friend's Bill, originated out of that House, and not within these walls.

Such being the reception of the Bill, or of the proposition for introducing it, what was its reception when it was introduced? Doubts were immediately started as soon as it made its appearance. A shew of candour, a kind of mock approbation was to be preserved. It might contain some matter worthy of consideration; but it was shortly avowed by the noble lord, who is supposed to lead the majorities of this House, that the Bill, as to the great objects which it proposed to attain, was fundamentally wrong. What were those objects? Almost the very objects proposed to be obtained by the petitions now on your table; a reduction of the undue and unconstitutional influence of the crown, and an enquiry into the expenditure of the civil list, the abolishing sinecure places, exorbitant salaries, &c. Whatever dexterity may have been used, some matters came out in the course of this contest, which have in fact been the occasion of the trouble I am now going to give this House.

In the course of this very important discussion, two fundamental points came into controversy; but more of that as I proceed. The first clause in the hon. gentleman's Bill relative to the office of a third Secretary of State, pursued the idea of the petitions; it went to the reduction of the public expenditure, and to the abolishing of an useless office. The noble lord in the blue ribbon, and an hon. gentleman of great abilities, and of great supposed weight in this House, met both principles fairly, in argument; but at the same time contended, that the place was not useless. The noble lord in the blue ribbon said, that the influence of the crown was not too great; another noble lord (Nugent) contended, that the influence of the crown, as stated in argument, was constitutional and necessary; and the hon. gentleman to whom I have just alluded (Mr. Rigby) met the other point insisted on in the petitions, the enquiry into the expenditure of his Majesty's civil list revenue, by saying it was not competent to this House. The hon. gentleman was challenged to bring his question for-

ward; the noble lord shrunk from the contest, under the same pretext that I foresee he will endeavour to defeat, or evade the resolution which I shall have the honour to move; and the hon. gentleman seemed himself not so sanguine, when the matter was decided by a question moved to take the sense of the House. Be that as it may, my hon. friend's clause was lost, under the pretence that the office proposed to be abolished was not useless, or, if it was, that no evidence of its being useless had appeared. I foresee, likewise, that I shall be called on, for evidence of the truth of what I shall move in this committee.

The next clause, relative to the abolition of the Board of Trade, was opposed on the same ostensible ground, of its not being useless. The minister however, besides the ostensible ground, maintained both the other doctrines, that the influence of the crown was not too much, and that the parliament had no right to controul the civil list expenditure; but the House was not to be drove. The House revolted, and the clause was carried by a small majority.

What was the fate of the next clause? That was openly opposed in principle; which principle was supported, in one shape or other, by a great majority of this House. The King's household was deemed sacred, it was not to be touched; a distinction was made by those who gave the minister that majority; useless places which relate to the functions of the state may be abolished, but the King's revenue for the support of his household is his own private personal revenue, with which parliament neither have, nor can have, any thing to do. Here, I may say, my hon. friend's Bill was put an end to.

The next attempt made in pursuance of the prayers of the petitions, was by an hon. friend of mine, (colonel Barré) with whom I have long lived in habits of the greatest intimacy and friendship. My hon. friend suggested the propriety of instituting a committee of accounts. This went to another part of the prayer of the petitions, the mode of collecting, transmitting, receiving, and issuing the public monies. My hon. friend, with great labour and indefatigable attention, aided by the ability and experience he is confessedly known to possess, spared no pains to render his plan as perfect as possible. A very few days had not intervened, before the noble lord in the blue ribbon, foreseeing

that many things extremely irksome and unpleasant to his lordship might come out, should such a commission be instituted, run a race with my hon. friend for the Bill; and without any private communication or previous information, snatched the Bill from out of the hands of my hon. friend, where it had been placed by the unanimous voice and approbation of the House. But my hon. friend by this act, which wore in its first aspect a very suspicious appearance, and in every respect a very uncandid ungentlemanlike appearance, had no reason to complain. Neither should I think, or care about who performed the duty to the public, so that it was well and faithfully performed. Was that the case? By no means. It is true his lordship has brought in a Bill, but what is it? A Bill appointing commissioners to inspect the public accounts, not the accounts in general, but some particular accounts, something relative to balances. Who, again, are to be the commissioners appointed to execute this business? Not members of this House; but persons out of it, to be appointed by the noble lord himself. A Bill of a similar nature was passed in the 2nd of William and Mary. In that Bill it was provided, that all the public accounts, including the civil list, should be enquired into, the privy purse and secret service money alone excepted; and this exception not to extend to persons in this House enjoying pensions. Here the civil list expenditure is totally omitted; and though it were not, no enquiry could extend to members enjoying pensions here, because the list of those pensions have been already denied by the noble lord.

Another effort was made to diminish the influence of the crown, in this House, by an hon. gentleman (sir P. J. Clerke) by excluding persons holding contracts, made privately with any of the official boards, which was attended with more success than either of the other two I have mentioned; so that the whole of what has been done in consequence of that pile of parchment now on your table, containing the sentiments, the prayers, and petitions of above 100,000 electors, amounts, in the whole, to a single clause in my hon. friend's Bill, which standing naked, as it does, is of little or no importance; the proposition snatched out of my other hon. friend's hands, by the noble lord, and only snatched to insult you in this House, and mock your constituents out of it, and the Contractors' Bill, which ministers, or at least

their friends and confidants, pretend to predict, will miscarry in another place; or, should that not happen to be the case, boast that it will answer no one purpose of those who have framed and supported it. Such is the manner the dutiful and respectful petitions of the people of England has been treated. I trust, however, that the people of England, knowing how they have been treated, will resent the insult put upon them by those, who, to oppression and neglect, have added mockery and contempt.

I would add a word or two, respecting my hon. friend below me, (colonel Barré), for the faithful and disinterested performance of his duty in this House; how has he been treated by some of his opponents? He has been called a dependant; I presume, alluding to the honour he enjoys in the friendship and intimacy of a certain noble lord, a member of the other House (lord Shelburne.) If that intimacy and friendship be a state of dependance, I am happy in classing myself among that noble lord's dependants. I will assure those who have alluded to what they call dependance, that it is a state of dependance, accompanied with perfect freedom. It is true, my hon. friend has been honoured with the noble lord's friendship, for upwards of 20 years; but I think I know the frame of mind and disposition of my hon. friend too well, to be persuaded that he would purchase any man's intimacy upon any terms short of a perfect equality, and mutual confidence; and I think I may likewise add, that if any person should attempt to purchase the noble lord's friendship, by mean or improper concessions, there is not a man on earth would more readily see through or despise it. I know the noble lord to be a great private, as well as public character. I know my hon. friend to possess a spirit of true independence. I am persuaded of the noble lord's great and acknowledged talents as a senator and a politician; and I can add, great as he may appear in a public light, that his private character is no less amiable and worthy of general admiration.

Having endeavoured, as far as lay in my power, to describe what the petitioners mean, and what administration mean; on the other hand, give me leave to recur to the ground of my present proposed resolutions. I have already observed, that the great objects of the petitioners have been resisted both in argument and by public avowals, by the minister and his

friends. They have told you that the influence of the crown is not too much, and ought not of course to be lessened; the petitioners have asserted the direct contrary. Ministers have told you, that it is not competent for this House to enquire into the expenditure of the civil list; the direct contrary are the sentiments of the petitioners. To talk of petitions or redress is vain, idle, nugatory, and ineffectual, while these two points are maintained by those who have the majority of the House. To bring both these points fairly to issue, I mean to frame two propositions, abstracted from the petitions on your table, and take the sense of the committee upon them. I mean that they shall be short, and as simple as possible, so as to draw forth a direct affirmative or negative. If the committee should agree with me in the resolutions, I mean to follow them up with real, substantive, practicable measures; but should they disagree or dissent, or endeavour to evade or procrastinate, there will be at once an end of the petitions, and a full answer to the petitioners.

It may be asked, are my propositions to be taken from the petitions on the table? Are they to be worded in the language of this or that petition? By no means. Some may be more extensive, others may be more full and specific; it will suffice that my propositions will not differ from any, as to the principle, though copied from none. My first resolution will be, "That it is the opinion of this committee, that it is necessary to declare, that the influence of the crown has increased, is increasing, and ought to be diminished." My second, "That it is competent to this House, to examine into, and to correct, abuses in the expenditure of the civil list revenues, as well as in every other branch of the public revenue, whenever it shall appear expedient to the wisdom of this House so to do."

He then proceeded to argue the question on the ground of notoriety, that the influence of the crown was increased, and ought to be diminished, having first regularly moved it. He supported his argument, not upon proof, which he said it was idle to require, and must be decided by the consciences of those who as a jury were called upon to determine what was or was not within their own knowledge. He quoted Mr. Hume to prove, that he foresaw the increasing influence so early as the year 1742; and also quoted judge Blackstone as an authority for its exist-

ence. He cited a passage from Hume's Essays, to shew that that able writer had prophesied, that arbitrary monarchy would one day or other be the euthanasia of the British constitution. He could affirm upon his own knowledge, and pledge his honour to the truth of the assertion, that he knew upwards of fifty members in that House who voted always in the train of the noble lord in the blue ribbon; that confessed out of the House, that the influence of the crown was increased, and dangerously increased. He adduced several arguments of a similar nature, and sat down, he said, with this consolation, that neither the minority of that House, nor the people at large, would be any longer mocked and insulted with this or that management or trick, this or that evasion; for the certain alternative would be, that the decision on the question now proposed by him would declare, whether the petitions were to be really attended to, or finally and totally rejected.

Earl Nugent observed, that the hon. gentleman had founded his motion upon the petitions then lying on the table. He had, from time to time, attended to the contents of the said petitions, and did not recollect any part which accorded with the two resolutions stated by the hon. gentleman. He acknowledged, that some of the petitions stated one grievance, and some another, but none of them any thing resembling the proposition moved, or the other proposition opened by the learned gentleman. The propositions did not go so far as many of the petitions, and they went farther than others. Some of the petitions were confined merely to the economical expenditure of public money; some to the abolition of sinecure places, unmerited pensions, exorbitant salaries, &c. and many of them proceeded on the idea, that the influence of the crown had increased to a degree dangerous to the liberties of the people. Such being the real state of the petitions on the table, he recommended the learned gentleman to modify his motion, so as to take up the specific prayer of some one petition, or frame it so as to make it an aggregate of them all; otherwise, the resolution now moved must be considered to be the learned gentleman's own opinion on the subject, and not that of any one set or class of petitioners. In the course of discussing the resolution therefore, it would not admit of the matter contained in the said petitions being more than collaterally introduced into the

debate. Would the hon. gentleman say, that the influence of the crown was, or was not, dangerous to the liberties of the people? If not, the proposition, which he called upon the committee to resolve, could not be considered in any other light than as the individual opinion of the learned gentleman.

Mr. *Dunning* said, he thought he had sufficiently explained himself in the course of his speech. His own sentiments, he assured the noble lord, went the full length of such of the petitions as asserted, that the influence of the crown had increased to a degree dangerous to the liberties of the people. Some other petitions did not go so far; but he believed, nine out of ten of the petitions on the table contained this general proposition, that the influence of the crown was increased, and improperly and unconstitutionally increased; and that a reform in the expenditure of the civil list revenue was become absolutely necessary. So far, therefore, his two propositions were meant to go; namely, to the prayer of every petition, and to contradict none. They contained an abstract of the whole of the petitions on the table, and formed a great principle of union, importing, in the gross, what was prayed for by each separately. Such as the propositions were, he was perfectly satisfied with them. He was much obliged to the noble lord for his proffered aid upon the present occasion, though, for the reasons both before and now given, he must decline making use of it. The proposition before the committee, and now moved by the way of resolution, must stand or fall upon its own merit; it was not an abstracted proposition; though, as he foresaw at the opening, he should not be surprised to hear it called an abstract proposition.

Earl *Nugent* said, he thought the resolution now moved, clearly an abstract proposition. The learned gentleman had said, that he would not inform the House what further measures he intended to graft upon his two intended resolutions. This he always understood to be the true definition of an abstract question. There were, to be sure, instances in the records of parliament, in which abstract questions were moved and agreed to, but they were very improper precedents to be followed; but in general, even then they related to some previous proceeding in the House, some disputed point, some subject of controversy under discussion, in which the sense of the House was particularly called

for. When this happened not to be the case, the person who came to desire the House to vote an abstract question, having a prospective view to measures which were to be ingrafted on it, was bound by the nature of the requisitions thus made, to explain to the House what those measures were intended to be; otherwise, one of those two things might happen, that either the House might agree to an abstract question, to no manner of purpose, or, having resolved it, might be obliged to negative the measure so engrafted, though it bore a strong seeming relation to the antecedent resolution agreed to. It was the established usage of parliament to do so; it was a duty in point of candour incumbent on the member who made it; and it was every way agreeable to the wisdom and justice of that House.

In this point of view, the question now proposed was an abstract one, because it was not connected with any one measure whatever; it pointed to no remedy, nor was it apparently designed to avert any evil. For instance, many gentlemen in that House might think, that the influence of the crown was increased; some, that it was increasing; and others, that it ought to be diminished. Nevertheless, if the proposition should be resolved, when the measure which the learned gentleman meant to follow it up with came to be considered and divided upon, the same gentlemen, who agreed with the question in abstract, might totally disapprove of the remedy to be applied; whereas, if the measure of correction accompanied the fact of abuse, the same gentlemen who might vote the question in abstract, would many of them probably reject it, when they should be acquainted with the use or end proposed by voting it to be true.

Upon the proposition itself, he could fairly say, it was not founded. He had more than once given it as his sincere opinion, that the influence of the crown was not increased, neither comparatively increased, or improperly increased. He had long sat in parliament, and he could affirm, he never recollected a period in which influence was less felt, than since his noble friend in the blue ribbon came into his present situation; but allowing that the influence of the crown had been gradually on the increase since the period alluded to by the learned gentleman, as quoted from the words of an ingenious political writer (Mr. Hume) would the learned gentleman, or any other gentle-

man, lay his hand fairly on his heart, and declare, that he thought this was the time, and peculiarly the time, which called for its immediate diminution? At a time when America was lost—he would speak out—he feared irretrievably lost. [A loud cry of hear him! hear him!] He was willing to repeat his words, America was lost. The American war proved a wrong measure. He supported the war. He was not ashamed to own that he was wrong himself. [Another loud cry from the opposition benches.] He did not mean to say that it was wrong in principle, for in a similar situation he should adhere to his former conduct; but what he wished to convey to his auditors was, that from a succession of untoward accidents, unexpected events, and a want of success, that it was wrong, because the event proved unfortunate. But after such a series of disappointments, followed by a war with France, and closely followed again by a war with Spain, with great loans, heavy taxes, and all the unpopular consequences incident to such a state of things, to contend that the influence of the crown was increasing, and ought to be diminished, was, in his opinion, to the last degree preposterous. The people were heavily burthened; they foresaw an increase of those burthens daily approaching; they felt the loss of America; they were disappointed and out of temper; consequently, it was idle to talk of the dangerous influence of the crown. But supposing the argument which he had heard frequently urged in that House of late, that the increase of taxes, of the influence arising from a state of war, in the military departments of government, had thrown a sudden weight into the hands of the crown; would not every gentleman present acknowledge that this influence could only have temporary duration; that it must cease with the cause, the continuance of the war; and that as soon as peace was restored, things would flow into their old channel? Yet those who maintain the propriety of reducing the influence of the crown, are so absurd to apply a remedy which they mean shall operate perpetually, while they acknowledge that the chief cause of the evil is but of a temporary nature, and will cease to operate with the duration of the present war.

The learned gentleman has produced a proposition, that the influence of the crown "has increased, is increasing, and ought to be diminished." Has he produced, or

so much as promised, a tittle of evidence of the facts so alleged? Not a word of that: but he has said a great deal about the opinions of speculative men, of an eminent lawyer lately deceased, and of two ingenious political writers (Hume and Blackstone.) The former says, the influence of the crown began to shew itself in or about the year 1742. I was in parliament before that period, and remember that clamours and speculations of that kind prevailed long before the year 1742; but I protest that I thought then, as I think now, that they were totally unfounded; and I can fairly affirm, that I never felt it myself, nor gave a single vote under any influence whatever, but what was necessary for the support of government. But I will go one step further, and take the two first assertions in the hon. gentleman's proposition as proved, that the influence of the crown has increased, and is increasing; will the learned gentleman's conclusion follow? May not this increased influence be necessary? Has he ventured to state that it is not? By no means; he declines the fair allegation that it is improper or unconstitutional, and takes a leap to his conclusion, by inferring that it ought to be diminished.

On the whole, the learned gentleman has desired the committee to vote an abstract question, declaring his intention of holding back the point which should be the proper subject of debate; he has taken facts as proved, without offering any species of proof whatever: and finally, he has drawn a conclusion not by any means deducible from the premises stated in the resolution. It is true, he has argued much on the ground of notoriety; far the greater part depending on the authority of the writers which I have mentioned; a very extraordinary medium of proof, in my opinion, to found a resolution of parliament upon: and the hon. gentleman has further adduced the contradiction between the conduct of gentlemen in that House, who vote with the ministers, with the language held by the same persons out of it. He says, that they vote within these walls that no such unconstitutional influence exists; and without them, acknowledge that it does exist to a dangerous degree. I do not know well how to contradict this assertion of the hon. gentleman; but this I will affirm, that if there be such abandoned wretches within these walls, that they merit the contempt of every honest man within and without this House, and

the indignation, reprobation, and detestation of mankind: they are wretches indeed; they are no less profligate than shameless; they at once convict themselves, and glory in their infamy. I hope there are not any such, not only in this House, but in any other place; for I am sure they are not fit for human society. I am inclined to hope, that the learned gentleman is rather mistaken, or has exaggerated their number. This I will say, however, that if there be any such on this side of the House, I hope they will, in the course of the evening, go over to the other side: for I shall ever be of opinion, that the cause which is supported by such men ought to be abandoned; and, as one, I say to them, "Go you worst of men, be your hearts and motives ever so corrupt, preserve some appearance of principle and decency, and support those sentiments in public, which you approve of and secretly avow in private."

Mr. *Dunning* thought it his duty to say a word or two in answer to what had fallen from the noble lord. His lordship doubted the fact relative to the contradictory sentiments entertained by some gentlemen in that House. He believed it would be extremely improper to mention names; but though he confined his description to fifty, he believed he might with truth extend it to a much greater number. He mixed much with mankind; his habits of life and profession gave him frequent opportunities of being acquainted with the sentiments of many persons in that House, when they were out of it; and he could declare upon his honour, that he was fully warranted in the assertion he had made, that he knew fifty members in that House, and the most of them within his hearing, who totally reprobated and condemned, out of the House, the measures they supported and voted for in it; and though no man held private conversation more sacred than he did, if the issue of the present debate was to depend upon naming them, and it was the pleasure of the House to desire it, he could and would name them.

Mr. *Rous* said that gentlemen on the other side of the House had rested their arguments for some time past chiefly on two points; that it was necessary the crown should have influence both within and without that House; and that gentlemen who composed opposition were instigated by motives of ambition. He thought it was necessary to grant both propositions, in order to explain the true grounds

on which they stood. For his part, he was one who thought that the crown ought to have an influence in that House; but what species of influence? Not surely a corrupt one. By no means; but a fair constitutional influence; an influence arising from a confidence in government; originating in a full conviction that the measures proposed by its subordinate ministers were founded in wisdom; were calculated for the prosperity of the community; for the purpose of internal prosperity and external strength; in a thorough conviction that the persons entrusted with the exercise of the executive power were selected for their integrity, talents, and public virtue. This was the influence, and the only influence that should ever be felt in that House; but on the other hand, when the opposite qualities were those which encouraged persons to be candidates for places of the highest trust and consequence under government, who could, without a mixture of indignation, and the most ineffable contempt, listen to such as maintained in argument that the friends and supporters of such an administration were not under the dominion of the most corrupt and unconstitutional influence? The matter admitted not of controversy; it was indeed totally absurd to spend a moment's discussion on the subject. As to the other point, relative to ambition, he would make a similar distinction. As far as he could judge, the fact was acknowledged. The gentlemen on his side of the House were ambitious; he hoped they were; but he was persuaded that they were actuated by a noble and laudable ambition; an ambition to serve their country, to restore it to its former dignity, power, and glory; of putting themselves into situations of trust and honour, in which they could render themselves effectually serviceable at so perilous a crisis; to snatch it from the ruin which threatened, and to render the best services that their sovereign and their fellow subjects could derive from an union of great integrity and correspondent talents. Was this a corrupt or factious ambition? He hoped not. He hoped it was a species of ambition every man on that side of the House felt, because it was only by such an ambition that the salvation of this country could be effected.

Mr. *Martin* contrasted the state of this country when his Majesty came to the throne with its present deplorable situation; and observed, how directly repug-

nant and contradictory the events were which marked the conduct and formed the leading occurrences of the administration of the late earl of Chatham, and of those who directed the affairs of this country at present. The noble lord who spoke lately had emphatically asked, whether the late lord Chatham had not influence, or if the influence of the crown was not very considerable during his administration? Most certainly it was; his wisdom, his abilities, his love of his country, procured him an ascendancy in his Majesty's councils; he was the minister of the people as well as the sovereign. He had their confidence, and the blessings and advantages of his administration were fully commensurate to both. The influence of the crown was, indeed, immense during his administration. Why was it so? Because that influence was directed to, as it was productive of the happiest, most beneficial, and glorious consequences. How was the influence of the crown now exerted? To produce consequences in every respect the direct reverse. He then entered into a general argument, to prove that the present influence of the crown was founded in corruption; that instead of strength it only produced imbecility; instead of glory, disgrace; and instead of benefits and advantages, a train of measures tending to national ruin, and that by a variety of means; heavy taxes, a loss of national honour, and a confirmed system of corruption, leading to a final overthrow of the constitution, and he feared of the nation, as an independent state.

Sir *Fletcher Norton* said, that his situation in that House rendered it extremely irksome to him to rise upon the present occasion, as it might be thought that his situation carried with it some degree of influence, and that it was his duty to keep the scale even, and not to take any decided part respecting the contrariety of opinions which prevailed in that House; but however cautious he ought to be of obtruding his own opinions on it, there were instances in which it would be criminal in him to remain silent. The present he deemed one of them; and should therefore make no further apology for stating his sentiments to the committee. He said, that House and the people at large lay under the highest obligations to his learned friend, for bringing the present question under discussion. He for his part returned him his most sincere and hearty thanks. It was a question of in-

finite consequence, and on whatever side it might be determined, he was happy in the opportunity it afforded him of discharging his duty as a member of that House, to his constituents and the country in general.

The noble lord had called it an abstract question; in this he begged leave totally to differ from the noble lord. It was by no means an abstract question; it was a question of fact. What were the facts? It desired the House to resolve in the first instance, that the influence of the crown has increased: Who would doubt the truth of that fact? That it is increasing: could any man doubt of that, either? He believed not. If there were any such person present, he was sure he was not that person. He had seen many instances of both since he had the honour of a seat in that House, sufficient to say that the influence of the crown has increased and is increasing. The petitions on the table averred the fact; it was the duty of the House to say whether it was or was not so. It was an allegation which called for no proof; it did not, indeed, admit of any. It could only be known to the members of that House, as they were the only persons competent to resolve it; if proved by evidence, such were the circumstances of the affair, that they only could know whether it was true or false. They were bound as jurors, by the conviction arising in their own minds, and were obliged to determine accordingly.

The noble lord said, that though the facts so stated had been true and acknowledged, the consequence by no means followed from the premises; because, though the influence of the crown had increased and is increasing, before the conclusion could be drawn, that it ought to be diminished, it should have been stated, that this influence was dangerous, unconstitutional, or improper, or some other cause shewn why it ought to be diminished. For his part, he could never subscribe to the truth of this argument, nor admit its force; for the first part of the proposition clearly looked back to some antecedent period, in which the crown possessed a certain species of influence; the test of what the influence of the crown ought to be, was referred to that period by the two assertions, "has increased," and "is increasing," and consequently the fact so stated implied an innovation or change, which was the foundation of the premises from whence the conclusion was drawn. If the facts were

granted, the deduction was inevitable: they are generally asserted, and the conclusion was made in the same general terms. It does not say how much the influence of the crown has increased, or is increasing, nor does it mete out the degree in which it ought to be diminished. That will be the business of my learned friend, when he comes to apply the remedy to the evil.

The noble lord talks of the necessity of proof; for my part, I think the petitions contain a full proof, so far as the same relate to the question; at least they oblige those who controvert the allegations contained in them, to bring proof of the contrary; they are bound to shew that the influence of the crown has not increased, nor is increasing, and of course ought not to be diminished.

Every person in that House must come within one or the other of the following descriptions. Such as thought the influence of the crown was increased, but not too much; that it is not enough increased; or who were of opinion that it stood precisely at present at the point it ought to stand. It would be incumbent on those who thought the first, to prevent its further increase; of the second, to shew in what instances the hands of the crown called for additional strength, and of the last, to fairly draw the line, to prevent a further increase. No man had an higher veneration for monarchy than he had; he meant that species of it established in this country, a monarchy limited by law. He did not intend to enter into an abstract disquisition of the advantages such a mode of civil government had over all others, but this he would say, that it was the form best suited to the genius and disposition of the people of this country. They had lived under it for many centuries, and whatever changes had happened in the revolutions of time and successive ages, they had hitherto preserved their liberties. Such a government, he was free to say, required no assistance but what it derived from the constitution and the laws. The powers vested in the executive part of the government, and in his opinion wisely placed there, were ample and sufficient for all the purposes of good government, and without any further aid, were much too ample for the purposes of bad government; and he thought himself bound as an honest man to say, that the influence of the crown had increased much beyond the ideas of

a monarchy strictly limited in its nature and extent.

He appealed to the feelings and experience of gentlemen who heard him, if the influence of the crown had not increased, and was not daily increasing, and whether it was not the duty of the House to limit it? He professed himself a friend to the legal and constitutional prerogative of the crown, which he contended was the only legitimate influence it could have, or ought to exercise; and asked the House, whether it was not a very vain and idle thing to limit or mete out the prerogatives of the crown, while they permitted another, and much more alarming, because a concealed influence, to operate in its stead? He had, and ever would be, a true friend to constitutional prerogative, and maintain the personal political rights of the sovereign. He would be equally anxious to preserve and protect the rights and privileges of the people; but whatever his reverence and attachment to his sovereign might be, he would, before every other consideration, prefer the interest of his country. When the claims of both were properly attended to and understood, they substantially meant the same thing.

It might possibly be very galling to the committee to be informed of their duty by the petitioners, but they should consider that it was their own fault. He was sorry, in one sense, to behold those petitions on the table, because he thought the House, conscious of what ought to be done, should have prevented the necessity. What the petitioners now demanded, should have originated within these walls; and what now would bear every appearance of force and compulsion, would then have been received with gratitude on one side, and with credit to the other. They were then sitting as the representatives of the people, and solely for their advantage and benefit, and in duty stood pledged to the people, who were their creators, for the faithful discharge of their trust.

His learned friend's motion was, he presumed, to be followed up by subsequent measures to be framed in the form of a Bill or Bills. What those might be he was a total stranger to, not having had any communication with his learned friend on the subject. He had every reason to suppose that they would be well suited to answer the designed purpose. Much stress had been laid, by the noble lord, on the supposition that the proposition moved by his learned friend did not contain the sense of

the petitions. He was much surprized to hear the objection made; for, if he understood the purport of the petitions, the proposition amounted to a most full and comprehensive abstract of them. The petitions stated the dangerous and increasing influence of the crown; they recommended a reduction of that influence; and an enquiry into and reduction of the civil list expenditure. What was this but an exact counterpart of the proposition, expressed more at large and in detail? As to the influence complained of, it was seen and felt every where, within and without that House; not now and then fluctuating and temporary, but fixed, uniform, and determined.

No man would say that the people of England, both in their constituent and collective capacity, had not a right to petition that House; and were entitled to redress when they did it in a peaceable constitutional manner. The whole of what they sought, as he observed before, was centered in one focus, the proposition now made by his hon. friend. Indeed, the ground of the petitions, at least the great principle maintained in them, had been clearly admitted, else why the various measures now in different stages of their progress through that House? On the whole, the alternative stated by his learned friend was perfectly just and correct; the committee must agree with the resolution now moved, or at once reject the petitions; if any there were who felt themselves prepared for the latter part of the alternative, he wished them much joy of going down to their constituents with that opinion; after having voted the allegations made by many thousands of the people of England, to be false and ill-founded.

Mr. *Powlet* said, he highly approved of the petitions in some particulars; among others, that part which recommended public œconomy. He thought a general reformation was much wanted; but he could not approve entirely of the learned gentleman's motion; because there was not sufficient evidence before the committee. He was satisfied, at the same time, that the influence of the crown was greatly increased. In the situation, therefore, in which he stood, not regularly informed of the grounds of the fact which he was called upon to vote, and yet satisfied that the influence stated in the proposition existed, he found himself consequently under the necessity of quitting the House without voting on either side.

Mr. *Dundas* spoke in a strain of strong irony, of the respect the opinion of the learned gentleman, who presided in the chair of that House, was entitled to upon all occasions, particularly relative to matters of constitutional proof, or points known to him in the way of his profession; but however great the learned gentleman's abilities were, or extensive his knowledge, he looked more to the matter than to the authority of the person who delivered it. He contended, if ever there was an abstract proposition, the one moved now by the learned gentleman who opened the debate, was one; though the other learned gentleman, upon what ground he could not tell, called it a matter of fact; and that the fact was denied, as it was in the present instance, was not proof necessary to the establishing the fact so stated. If the proposition consisted of assertions, having no reference to any thing already proved, nor connected with any intended measure, what could it be called but a mere naked, unconnected, abstract proposition? Idle and unnecessary in itself, because to be voted for no purpose specifically avowed. After having urged this argument in a variety of shapes, he then observed, that the present mode of carrying on the government of this country had continued the same exactly from the Revolution downwards; and unless some proof was shewn that an influence, whatever that might be, existed at present, different from that which was supposed to exist in former times, the present vote would be replete with danger to the constitution, because it would tend to alter the system of government, which had been established by our fore-fathers, and had been approved of and continued through several succeeding generations. It would besides appear, if the present resolution was adopted by the majority of the House, at least to the people without doors, that the influence stated in the resolution had originated under the present administration, and was daily increasing under them, which implied a censure of a very severe nature, and called for very sound and substantial proof to support it; whereas if any such influence existed at all, it existed before the present ministers were born, and was supported by no argument even to distinguish the present administration from any other during the present reign. Consequently, as no evidence whatever, more than the opinion of two speculative writers, and some conver-

sations held without doors by the hon. gentleman who framed the motion, stating that several gentlemen who voted with the minister in this House held a contrary opinion out of it, as the question was an abstract question, founded on no antecedent fact, and pointing to no future specific measure publicly avowed; or if not an abstract question, but a question of fact, of which no proof had been given; and that supposing there had, that the conclusion drawn from the premises were neither connected with nor deducible from them: it was a proposition to which he could never give his assent. He was persuaded himself that it was unfounded; but as no proof had been adduced for or against it, he thought, according to the rule of parliamentary proceeding, that it ought not to be resolved one way or the other, but should be postponed.

He had been called upon by the learned gentleman who moved the question to come forward and oppose it in a fair, direct, and manly manner; to give it a direct negative, or affirmative; perhaps if he were to follow his own sentiments, he would have determined to do so; indeed he did not entertain a single doubt himself on the subject; but as other gentlemen who disapproved of the resolution as much as he did, might think differently of the proper mode of disposing of it, he thought it would be best to move the previous question. He was not very conversant in the forms of the House, but he understood so much, that it was not regular to move the previous question in a committee. He would therefore move, that the chairman do leave the chair.

Mr. *Thomas Pitt* instanced the present possession of office by the noble lord in the blue ribbon, as an indubitable proof of the enormous influence of the crown. He asked whether that noble lord had not lost America? Whether he had not spent millions of the public money, and wasted rivers of blood of the subjects of Great Britain? And yet, the noble lord, now that the whole country with one voice cried out against, and execrated the American war, held his place. To what was this ascribable, but to the increased influence of the crown? The noble lord had sunk and degraded the honour of Great Britain; the name of an Englishman was now no longer a matter to be proud of; the time had been when it was the envy of all the world: it had been the key to universal respect, but the noble

lord had contrived to sink it almost beneath contempt. He had rendered his countrymen and their country despicable in the eyes of every other power. He declared, the noble lord would not have been so long at the head of administration, but for the efforts of the opposition: it was their regular contest against the fatal measures that had marked the noble lord's administration, which had kept the noble lord in office. The whole business of the minister, for a series of years, had been to make excuses, and to devise expedients; to find supplies from year to year, without inventing any method in finance, any scheme of supply, comprehensive or permanent. The people would bear taxes, though enormous, when they heard of victories and an extension of commerce and territory; but were apt to judge of ministers, not from ingenious excuses made for their conduct either by themselves or others, but from the success that followed their measures. He noticed the silence of ministers on the present question, and concluded with asserting, that the influence of the crown was most offensively increased. The people of England, he said, saw it, and were alarmed. They had expressed their sense of it in their petitions, and begged that it might be diminished. To comply with that request, was the duty of that House, and if something effectual was not done upon the present occasion, the consequences that might follow, would probably be such as the bare thought of made him tremble at.

Lord *North* said, he should probably be thought inattentive to what became himself, and what was due to his own character, if he did not rise and say something in reply to the direct personal attack that had been made upon him, and he should undoubtedly be deemed wanting in that respect which he owed the committee, if he did not speak to the present question, and assign his reasons for not rising earlier in the course of the debate. As the motion had been made upon its own single ground, and was, as his learned friend near him had described it, an abstract proposition, perfectly inconclusive, and altogether un consequential, he had sat silent thus long, in order to hear if any thing could be said in support of it, sufficient to justify the committee in departing from the rule long since established by the wisdom of parliament, never to vote abstract propositions. In regard to

what had been said by the hon. gentleman who spoke last, relative to his conduct, he begged the committee to remember that he never had insinuated, that his abilities were equal to his situation; he had always declared himself ready to retire, whenever his sovereign and the public should wish it: if, however, it was true, as the hon. gentleman had alledged, that he was kept in office by the efforts of opposition, he certainly could not but suppose he owed his continuance in place to the efforts of those, who had formerly contended against the rights of the people of Great Britain, and who were now pursuing measures likely to overturn the constitution. [Called to order.] His lordship avowed his words, and said, am I to hear myself charged as the author of our present misfortunes? and—[Many gentlemen cried across the House, "You are, you are." Others called out, "take down the words,"] considerable confusion ensued.

Lord *North* went into an explanation of his meaning when he used the words which had occasioned so much disturbance, and declared he was very far from thinking himself indebted to opposition for their repeated efforts against him; therefore, if it was to be thrown out, that those efforts had kept him in office, he thought he had a right to say, it was because the people at large considered them as dangerous to their liberties, and dangerous to the constitution. With regard to the American war, and the various measures pursued relative to it, they were not his measures as a minister, they were all grounded on acts of the legislature; some of the bills had been proposed by him, and some by others, to which he had given his consent in common with the majority of the representatives of the people. In proposing and consenting to those Bills, he had acted as a member of parliament, and as such only was responsible. His lordship, after settling this point, proceeded to examine the doctrine laid down by Mr. Dunning, as a proof of the prevailing influence of the crown, and particularly answered the charges relative to the East India Company, the new loan, and the customs. With respect to the first, he had repeatedly disavowed having either acquired, or desired to acquire, any patronage. The fact was so, but he was perfectly aware, that let him say what he would respecting it, gentlemen of the other side would not give him credit for his assertion. As to the new loan, his constant custom was to

take down the names of all who offered to subscribe, and ultimately to make a fair distribution of the whole, allotting to each his proportion as far as the sum would go, without any other distinction, than that of giving the preference to those, who were at all times most ready to assist government with their money, and this distinction he held to be fair, and due to those in whose favour it was made. As to the customs, about which the hon. gentleman had said so much, and had asked whether our trade was increased, as new searchers had been appointed, he could only say, that if we were to judge by the business of the Custom-house, it was very greatly increased. The new searchers had been appointed, not as the hon. gentleman had imagined as a wanton instance of the power of influence, but on the repeated suggestion made to the Treasury board by the commissioners appointed to superintend the business of the customs, that more searchers were necessary, and that the duty of the Custom-house could not be conveniently carried on without an additional number. Having fully explained these matters, his lordship shewed that many parliamentary measures were then in agitation, all of which were grounded on the petitions upon the table; he mentioned his own Bill for a commission of accounts; Mr. Burke's Bill for reforming the civil establishment; the contractors Bill that had passed the Commons, and others; whence he argued, that precipitately to take further steps on the ground of the petitions was equally unnecessary and improper.

Mr. *Thomas Pitt* replied, that when he had thrown out, that the noble lord had been indebted to the efforts of those gentlemen with whom he acted, for his long continuance in office, he thought he had spoken very intelligibly. What he alluded to, was an idea which he really entertained, that if the noble lord had pursued other and wiser measures, he would not have been continued in place. The line followed by the noble lord was, he was perfectly aware, the only line that could procure him favour in a certain quarter, and had he acted with a greater deference to the opinions of those who had opposed him, which opinions had been as uniformly sanctified by subsequent events, as the noble lord's measures had failed of success, he verily believed the noble lord would long since have been obliged to retire. He entered into a most severe ani-

madversion upon the whole conduct of administration for a series of years past, declaring, that the noble lord's name was the subject of contempt and ridicule in every court in Europe.

General *Conway* denied that the House had no right to vote abstract propositions. He said, they might vote them whenever they chose it, and by an instance from the reign of king William, proved that they had voted them, and that, where the matter was immediately an abstract proposition; which he contended the present motion was not, because it was to be found expressly stated in the petitions, and was confessedly designed to be the ground of other resolutions, in compliance with the prayers of the people. The general gave it as his opinion, that the influence of the crown had increased of late, and that to an alarming extent.

Sir *Horace Mann* spoke in favour of the motion, declaring that though by his having proposed the petition from the county of Kent, reprobating committees of association and correspondence, it might be thought that he was not as ready to comply with the prayer of the petitions as others, no man in that House thought those petitions better founded, nor was more firmly convinced that the influence of the crown had increased, and ought to be diminished.

Governor *Pownall* said, he had observed that the objections made to the proposition, now offered to the consideration of the committee, turned upon arguments drawn from the impropriety of the proceeding. First, as the motion brought a mere abstract proposition forward; and secondly, as it was proposed to come to a resolution upon the matter, in order to report from that committee to the House such an abstract proposition; neither of which were agreeable to parliamentary debate, nor to the proceeding of the House. These objections were groundless, both in the reason and nature of the business, and in the actual matter of fact: in the first place, the proposition was not an abstract proposition. It was drawn from the petitions, in every one of which it would be found, as an allegation of fact, on which they grounded the prayer of their petitions. It was an allegation of the people of England, as to a fact which the learned gentleman had moved the committee, upon consideration, to agree with the people in, as the ground to proceed, agreeably to their petitions, in the redress of grievances.

That the thus drawing out from the petitions, the sense of the petitioners, in order to make declaration of that sense of the people to the House, was so far from being contrary to the proceeding of parliament, that it was a proceeding conformable to a case directly in point to the minutest instance, as that case and proceeding stood in the Journals of the House. There never was, he said, but one period when there were so many petitions of this sort preferred to the House, as at present; that was now just 140 years ago. In 1640, there were petitions of this kind preferred in this manner to the House. If instead, he said, of suffering ourselves to be told, that we are now going on contrary to the proceedings of the House, we look to the precedent of that time, we shall find that the House, on the 10th of November, appointed a committee "To draw out of the petitions presented to the House, some such declaration as may be a fair representation of the sense of the petitioners." Now, what the learned gentleman had done, is exactly conformable to this precedent. He had drawn his proposition out of the petitions, and proposed to the committee to come to a resolution upon it, in order to report it to the House for their concurrence.

The *Attorney General* opposed the motion; but with respect to his learned friend (the Lord Advocate) he did not understand what he meant, when he moved for the chairman to leave the chair, that the business should not be resumed at another opportunity. He believed his learned friend did not intend any such thing as that of putting an end to the consideration of the petitions, but that his motion was merely in the nature of a motion to postpone it.

Lord *Ongley* spoke in support of the original motion.

Mr. *Turner* spoke to the same effect, a full justification of committees and associations.

The *Lord Advocate* said, he by no means wished to put an end to the business; but would rather that it should come on again at a future opportunity. He would therefore desire to withdraw his motion for the chairman to leave the chair.

After some debate, leave was given accordingly; and Mr. *Dundas* then moved, by way of amendment to the main motion, that there should be inserted, after the word 'committee,' "That it is necessary to declare."

Mr. *Fox* said, he could have no objection to this amendment; for if gentlemen should think it necessary to declare it, they would not refuse to say that the influence of the crown had increased, and ought to be diminished. The hon. gentleman averred, that no former reign whatever had brought so many distresses upon the people as the present; and insisted upon it, that unless the motion should be agreed to, not only the committee, but the House, ought never to sit again.

At 12 o'clock the Committee divided: For Mr. Dunning's motion 233. Against it 215.—Majority 18.

Mr. *Dunning* made his next motion, which was, "That it is the opinion of this Committee, that it is competent to this House to examine into, and to correct abuses in the expenditure of the civil list revenues, as well as in every other branch of the public revenue, whenever it shall seem expedient to the wisdom of this House so to do."

Mr. *Rigby* opposed the motion. He said it was one of the curiosities of the present age to see a minister in the minority. He said he had intended to have made a motion, which was, "That it was unjust in parliament to diminish the civil list revenue, without proof of some abuse of it;" and this second motion of Mr. Dunning's was not at all inconsistent with it.

Mr. *Burke* rallied Mr. *Rigby* a good deal upon his curiosity. He also thought the minister a curiosity, but he was more fit for the British Museum, than the British House of Commons.

Lord *North* expressed his wishes very strongly, that the Committee would not proceed.

The question being called for, the motion was agreed to without a division.

Mr. *T. Pitt* made the third motion in the Committee, which was, "That it is the opinion of this Committee, that it is the duty of this House to provide, as far as may be, an immediate and effectual redress of the abuses complained of in the petitions presented to this House, from the different counties, cities, and towns in this kingdom."

Lord *North* again implored the House not to proceed.

No other objection being made to the motion, it passed unanimously.

Mr. *Fox* then moved, that the said resolutions be immediately reported to the House, which was opposed by lord North, as violent, arbitrary, and unusual, but was,

notwithstanding, agreed to; and Mr. *Hussey* reported accordingly, That the committee had come to the said resolutions severally. It was then resolved by the House, That this report be now received. The report was then made by Mr. *Hussey*, and read and agreed to by the House.

A LIST OF THE DIVISION.

For Mr. Dunning's Motion.

BEDFORDSHIRE.

County, Lord Ongley, Earl of Upper Ossory.
Bedford, Samuel Whitbread, Sir Wm. Wake.

BERKSHIRE.

County, John Elwes, H. W. Hartley.
Reading, Francis Annesley.
Windsor, Hon. Augustus Keppel, Hon. John Montagu.

BUCKINGHAMSHIRE.

County, Earl Verney, Thomas Grenville.
Buckingham, James Grenville.
Wycombe, Robert Waller.
Aylesbury, John Aubrey.
Marlow, Sir J. Borlase Warren, William Clayton, William Drake, jun.
Agmondesham, William Drake.

CAMBRIDGESHIRE.

Cambridge, Benjamin Keene.
University, Richard Croftes.

CHESHIRE.

County, Sir Robert Cotton, J. Crewe.
Chester, Richard Wil. Bootle.

CORNWALL.

County, Sir W. Lemon, Edward Elliot.
Leskeard, Samuel Salt.
Truro, George Boscawen.
Bodmin, George Hunt.
Camelford, J. Amyand.
St. Ives, Philip Dehaney.

CUMBERLAND.

County, Sir James Lowther, Henry Fletcher.
Carlisle, Walter Spencer Stanhope.
Cockermouth, James Adair.

DERBYSHIRE.

County, Lord George Cavendish.
Derby, Lord Frederick Cavendish, Daniel Parker Coke.

DEVONSHIRE.

County, John Parker, J. W. Rolle.
Ashburton, Robert Palke.
Dartmouth, Lord Visc. Howe, Rich. Hopkins.
Oakhampton, Humphrey Minchin.
Honiton, Sir George Yonge.
Tiverton, J. E. Wilmot.
Totness, Sir Philip Jennings Clerke, James Amyatt.

Tavistock, Hon. Richard Fitzpatrick.
Exeter, Sir Charles Bampfylde.

DORSETSHIRE.

County, Humphry Sturt, George Pitt.
Weymouth and Melcombe Regis, Chasin Grove.
Shaftesbury, George Rous, Hans W. Mortimer.
Poole, Joshua Mauger.

DURHAM.

Durham, Sir Thos. Clavering, John Tempest, John Lambton.

YORKSHIRE.

County, Sir George Savile, Edwin Lascelles.
 York, Lord John Cavendish, Charles Turner.
 Aldborough, William Baker.
 Beverley, Sir James Pennymann, G. F. Tufnell.
 Heydon, Beilby Thompson, Hon. T. L. Watson.
 Knaresborough, Lord Geo. Henry Cavendish.
 Malton, Savile Finch, William Weddell.
 Northallerton, Daniel Lascelles, Henry Peirse.
 Richmond, William Norton, Charles Dundas.
 Rippon, Charles Lawrence.
 Scarborough, Earl Tyrconnel.
 Thirsk, Sir Thomas Frankland, Thos. Frankland.
 Hull, David Hartley.

ESSEX.

County, John Luther.

GLOUCESTERSHIRE.

County, Sir William Guise.
 Tewkesbury, Sir Wm. Codrington, J. Martin.
 Gloucester, Charles Barrow.

HEREFORDSHIRE.

County, Sir George Cornwall.
 Hereford, John Scudamore.

HERTFORDSHIRE.

County, William Plumer, Thomas Halsey.
 St. Albans, John Radcliffe.

HUNTINGDONSHIRE.

County, Earl Ludlow.

KENT.

County, Hon. Chas. Marsham, Thos. Knight.
 Rochester, Robert Gregory.
 Maidstone, Sir Horace Mann.
 Canterbury, Richard Milles.

LANCASHIRE.

County, Thomas Stanley.
 Lancaster, Lord Richard Cavendish, Sir Geo. Warren.

Preston, General Burgoyne.
 Liverpool, Sir W. Meredith, Richard Pennant.
 Clitheroe, Thomas Lyster.

LEICESTERSHIRE.

County, Sir John Palmer, J. P. Hungerford.
 Leicester, Hon. Booth Grey, John Darker.

LINCOLNSHIRE.

County, Sir John Thorold, Charles Anderson Pelham.
 Lincoln, Lord Lumley.

MIDDLESEX.

County, John Wilkes, Thomas Wood.
 London, John Sawbridge, Frederick Bull, George Hayley.

MONMOUTHSHIRE.

County, John Hanbury, John Morgan.

NORFOLK.

County, Sir Edward Astley, Thomas Wenman Coke.
 Lynn, Hon. Thomas Walpole, Crisp Molineux.

NORTHAMPTONSHIRE.

County, Thomas Powys, Lucy Knightly.
 Peterborough, Richard Benyon.
 Northampton, Sir George Robinson, Hon. Wilbraham Tollemache.
 Higham Ferrers, Fred. Montagu.

NORTHUMBERLAND.

County, Sir William Middleton.

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Newcastle, Sir Matthew White Ridley, Sir John Trevelyan.
 Berwick, Jacob Wilkinson.

NOTTINGHAMSHIRE.

County, Lord Edward Bentinck, Charles Meadows.

Nottingham, Sir William Howe.

E. Retford, Sir Cecil Wray.

OXON.

County, Lord Viscount Wenman.

University, Sir Roger Newdigate.

RUTLANDSHIRE.

County, Thomas Noel.

SHROPSHIRE.

County, Noel Hill.

Shrewsbury, William Pulteney, John Corbet.

Bridgnorth, Hugh Pigot, Thomas Whitmore.

Wenlock, Sir H. Bridgeman, George Forrester.

SOMERSETSHIRE.

County, R. H. Coxe, Edward Phillips.

Milbourne Port, Hon. Temple Luttrell.

Wells, Clement Tudway, Robert Child.

Bridgewater, Benjamin Allen.

Minehead, Thomas Pownall.

Bristol, Edmund Burke, Henry Cruger.

Taunton, Alexander Popham.

HAMPSHIRE.

County, Jervoise Clarke Jervoise, Sir H. St. John.

Yarmouth, Robert Kingsmill.

Lymington, Edward Morant.

Andover, Sir J. G. Griffin, Benj. Lethieullier.

Whitchurch, Lord Middleton, Right Hon. Thomas Townshend.

Petersfield, Sir Abraham Hume.

Stockbridge, Lord Irnham, Hon. Jas. Luttrell.

Southampton, J. Fleming.

STAFFORDSHIRE.

County, Sir John Wrottesley.

Stafford, Hugo Meynell.

Litchfield, George Anson.

Dunwich, Sir Ger. Vanneck.

SUFFOLK.

Ipswich, T. Staunton.

Sudbury, Sir Patrick Blake.

Bury, Right Hon. H. S. Conway, Sir Charles Davers.

SURREY.

County, Sir Joseph Mawbey, James Scawen.

Bletchingly, Sir Robert Clayton.

Guilford, The Speaker.

Southwark, Nat. Polhill.

SUSSEX.

County, Lord George Lennox.

Bramber, Sir Henry Gough, Tho. Thoroton.

Shoreham, Charles Goring.

Steyning, Thomas Edwards Freeman, Filmer Honeywood.

Lewes, Sir Thomas Miller, Thomas Hay.

Chichester, Hon. W. Keppel.

Arundel, G. L. Newenham.

WARWICKSHIRE.

County, Sir Thomas Skipwith.

WESTMORELAND.

County, Sir Michael le Fleming, Jas. Lowther.

Appleby, Philip Honeywood.

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WORCESTERSHIRE.

County, Hon. Edward Foley.
 Evesham, Sir John Rushout.
 Droitwich, Hon. Andrew Foley, Edward Win-
 nington.
 Worcester, J. Walsh, Thomas Bates Rous.

WILTSHIRE.

County, Charles Penruddock, Ambrose God-
 dard.
 Calne, Rt. Hon. Isaac Barré, John Dunning.
 Chippenham, Samuel Marsh.
 Malmesbury, Hon. Charles Fox.
 Hindon, J. Dawkins.
 Old Sarum, Thomas Pitt, Pinkney Wilkinson.
 Heytesbury, William A'Courte Ashe.
 Westbury, Samuel Estwick.
 Wotton Bassett, Robert Scott.
 Luggershall, Lord George Gordon.

CINQUE PORTS.

Dover, John Trevannion.
 Sandwich, Charles Brett.
 Winchelsea, William Nedham.

WALES.

Anglesea, Lord Bulkeley.
 Beaumaris, Sir Hugh Williams.
 Breconshire, Charles Morgan.
 Carnarvonshire, Ashton Smith.
 Carnarvon, Glynn Wynne.
 Denbighshire, Sir Watkin William Wynne.
 Flintshire, Sir Roger Mostyn.
 Flint, Wat. Williams.
 Merionethshire, E. L. Vaughan.
 Glamorganshire, George Venables Vernon.
 Cardiff, Sir Herb. Mackworth.
 Pembrokeshire, Hugh Owen.
 Pembroke, Hugh Owen.

SCOTLAND.

St. Andrews, George Dempster.
 Edinburgh, Sir Laurence Dundas.
 Kinghorn, &c. John Johnstone.
 Roxburghshire, Sir Gilbert Elliot.
 Sterlingshire, Thomas Dundas.
 Wigan, George Byng, Teller.

Against Mr. Dunning's Motion.

Reading, J. Dodd.
 Abingdon, John Mayor.
 Wallingford, Sir Robert Barker, J. Cater.
 Aylesbury, Ant. Bacon.
 Wendover, Hen. Drummond, Tho. Dummer.
 Cambridgeshire, Sir Sampson Gideon.
 Launceston, J. Buller.
 Leskeard, Edw. Gibbon.
 Lestwithiel, Thomas Potter.
 Truro, Bamber Gascoyne.
 Bodmin, Sir James Laroche.
 Helston, F. C. Cust.
 Saltash, Hen. Strachey.
 Eastloo, John Buller, William Greaves.
 Westloo, Sir William James, J. Rogers.
 Grampound, Rd. Alworth Neville.
 Camelford, Sir Ralph Payne.
 Penryn, Sir George Osborne, Wm. Chaytor.
 St. Ives, Lord Newborough.
 Fowey, Lord Shuldharn.
 St. Germain's, Benj. Langlois, Jas. Peachey.
 St. Michael, Francis Hale, John Stevenson.

Newport, Richard Bull, John Frederick.
 St. Mawes, Earl Nugent, Hugh Boscawen.
 Callington, William Skrine, George Stratton.
 Carlisle, Anthony Storer.
 Ashburton, Charles Boone.
 Oakhampton, Richard Vernon.
 Plymouth, Lord Viscount Lewisham, Sir Chas.
 Hardy.
 Beeralston, Sir H. F. Drake.
 Plympton, J. Durand, William Fullarton.
 Tavistock, Right Hon. Richard Rigby.
 Exeter, William Devaynes.
 Dorchester, William Ewer.
 Lyme, Hon. Henry Fane.
 Weymouth and Melcombe Regis, Right Hon.
 Welbore Ellis, Gabriel Stewart, J. Purling.
 Wareham, Christopher D'Oyley.
 Corfe Castle, John Jenkinson, John Bond.
 Aldborough, Hon. William Hanger.
 Pomfret, Charles Mellish.
 Hull, Lord Robert Manners.
 Malden, Hon. Rich. Savage Nassau, J. Strutt.
 Harwich, Hon. Geo. Aug. North.
 Gloucestershire, T. B. Chester.
 Cirencester, J. Whitshed, Samuel Blackwell.
 Gloucester, G. Aug. Selwyn.
 Herefordshire, Right Hon. Thomas Harley.
 Hereford, Sir R. Symonds.
 Leominster, Lord Viscount Bateman, Frederick
 Cornwall.
 Weobly, John St. Leger Douglas, ———
 Bayntun.
 St. Albans, Sir Richard Sutton.
 Hertford, John Calvert.
 Huntingdonshire, Lord Hinchinbroke.
 Huntingdon, Sir George Wombwell.
 Rochester, Finch Hatton.
 Queenborough, Sir Charles Frederick, Sir Wm.
 Rawlinson.
 Maidstone, Hon. Charles Finch.
 Canterbury, Lord Newhaven.
 Lancashire, Sir Thomas Egerton.
 Clitheroe, Ashton-Curzon.
 Stamford, Sir George Howard, K. B., Henry
 Cecil.
 Grantham, Peregrine Cust.
 Lincoln, Robert Vyner.
 Westminster, Lord Malden.
 Monmouth, Sir T. Stepney.
 Thetford, Hon. Charles Fitzroy.
 Castle Rising, Robert Mackreth, John Chet.
 Talbot.
 Norwich, Edward Bacon.
 Peterborough, Matthew Wildbore.
 Brackley, Timothy Caswall, Wm. Egerton.
 Morpeth, Peter Delme, J. W. Egerton.
 E. Retford, Lord J. P. Clinton.
 Oxon, Lord Charles Spencer.
 University, Francis Page.
 Oxford, Lord Robert Spencer.
 Woodstock, William Eden, Lord Parker.
 Banbury, Lord North.
 Shropshire, Charles Baldwin.
 Ludlow, Lord Clive.
 Bishop's Castle, Alexander Wedderburne, Wm.
 Clive.
 Ivelchester, O. S. Brereton, Nathaniel Webb.

Milbourne Port, Charley Wolseley.
 Bridgewater, Hon. Ann Powlet.
 Bath, John Sebright.
 Minehead, Henry Fownes Luttrell.
 Winchester, Henry Penton, Lovell Stanhope.
 Portsmouth, General Monckton, Sir William Gordon.
 Newport, Sir Richard Worsley, Hans Sloane.
 Newton, Chas. Ambler, Edw. Maux Worsley.
 Yarmouth, James Worsley.
 Christchurch, James Harris.
 Southampton, J. Fuller.
 Staffordshire, Sir William Bagot.
 Stafford, Richard Whitworth.
 Tamworth, Tho. De Grey, Anthony Chamier.
 Newcastle, Lord Trentham.
 Litchfield, Thomas Gilbert.
 Suffolk, Rowland Holt.
 Dunwich, Barne Barne.
 Orford, Lord Beauchamp, Hon. Robt. Conway.
 Aldborough, Rich. Combe, Martin Fonnereau.
 Eye, R. B. Phillipson, Hon. J. St. John.
 Gatton, William Adam, Robert Mayne.
 Haslemere, Peter Burrell.
 Ryegate, Sir Charles Cocks.
 Guilford, George Onslow.
 Horsham, James Wallace.
 Midhurst, John Ord, Hon. Hen. Seymour Conway.
 Grinstead, Lord George Germain.
 Warwick, Hon. Charles Greville, Hon. Robt. Greville.
 Coventry, J. B. Holroyd.
 Bewdley, Lord Westcote.
 Devizes, James Sutton.
 Marlborough, Hon. J. Brudenell, Sir J. Long.
 Chippenham, Sir Ed. Bayntun.
 Malmsbury, William Strahan.
 Cricklade, J. Dewar, J. Macpherson.
 Hindon, Archibald Macdonald.
 Heytesbury, Hon. W. Gordon.
 Westbury, Hon. T. Wenman.
 Wotton Bassett, Hon. Henry St. John.
 Luggershall, Lord Melbourne.
 Wilton, Charles Herbert.
 Downton, Sir Philip Hales, Robert Shaftoe.
 Bedwin, Lord Cranborne.

CINQUE PORTS.

Dover, John Hennicker.
 Hastings, Rt. Hon. Charles Jenkinson, Lord Viscount Palmerstone.
 Hithe, Sir Charles Farnaby, Wm. Evelyn.
 Romney, Sir Edward Dering, Richard Jackson.
 Rye, Hon. Tho. Onslow, Wm. Dickenson.
 Sandwich, Philip Stephens.
 Seaford, Lord Visc. Gage, George Medley.
 Winchelsea, Charles Wolfran Cornwall.

WALES.

Brecon, Sir Charles Gould.
 Cardiganshire, Lord Lisburne.
 Cardigan, Thomas Johnes, junior.
 Carmarthenshire, John Vaughan.
 Carmarthen, John Adams.
 Montgomery, Whitshed Keene.
 Haverfordwest, Lord Kensington.
 Radnorshire, Thomas Johnes, senior.
 Radnor, Edward Lewis.

SCOTLAND.

Airshire, Sir Ad. Fergusson.
 Argyleshire, Adam Livingstone.
 Berwickshire, Sir J. Patterson.
 Brechin, &c., Adam Drummond.
 Dunbartonshire, Sir Archibald Edmonstone.
 Dumfriesshire, Sir Robt. Laurie.
 Edinburghshire, Henry Dundas.
 Dunbar, Francis Charteris.
 Elginshire, Lord William Gordon.
 Elgin, Staates Long Morris.
 Fifeshire, R. Henderson.
 Forfarshire, Earl of Panmure.
 Haddingtonshire, William Nisbett.
 Kincardineshire, Lord Adam Gordon.
 Kircudbright, William Stewart.
 Lanerkshire, Andrew Stewart.
 Linlithgowshire, Sir W. Aug. Cunninghame.
 Nairnshire, John Campbell.
 Peebles, &c. Sir James Cockburne.
 Perthshire, Hon. James Murray.
 Ross-shire, Hon. J. S. M'Kenzie.
 Rothesay, Hon. Fred. Stuart.
 Renfrewshire, J. Craufurd.
 Glasgow, &c., Lord Fred. Campbell.
 Sutherlandshire, Hon. James Wemys.
 Tain, &c. J. Grant.
 Wigtown, Sir H. W. Dashwood.
 Harwich, John Robinson, Teller.

Mr. Dunning's Motion for Securing the Independence of Parliament.] April 10.
 The House went again into a Committee to take into further consideration the several Petitions for an Economical Reform.

Mr. Dunning rose, and began with congratulating the Committee on the progress they had made on Thursday last, declaring, that the decision they had come to in the several motions of that day, as far as it went, was essential, and could not fail to afford the people at large great satisfaction; little however would it avail, that they had determined that the allegations of the petitions were true, unless they proceeded effectually to remedy the grievances those allegations led to, and upon which the complaints stated in the petitions rested. That the influence of the crown had increased to a degree, which it was now necessary for the House of Commons to declare, ought to be diminished, he could confidently assert, because the House by their agreeing to the report of the Committee on Thursday last, had given him authority for such an assertion. That fact being admitted, it necessarily followed that it was incumbent on the Committee to go from generals to particulars, and to come to such resolutions as were most likely to cure the evil, which now was sufficiently ascertained to be a fair object of remedy. The sort of influ-

ence chiefly complained of by the petitions, and which had so much alarmed the people, was the corrupt pecuniary influence supposed to be exercised on the members of that House, and which supposition alone could account for the ministers having been supported in some measures, which it was not very probable would have met with that support they had received, had it not been for the exertion of that influence, which had at length caused a general alarm, and excited a declaration from that House, that it had increased to that degree, that it ought to be diminished. The first resolution therefore which he meant to offer to the consideration of the Committee, would be a resolution calculated for the extirpation of that corrupt, pecuniary influence, and tending, in a great degree, to preserve the independency of parliament, and obviate all suspicions of its purity. This resolution, he hoped, would be cheerfully assented to, as it was a necessary consequence to the first resolution moved by him on Thursday last; indeed, he doubted not, it would be agreed to without opposition, because it was not likely that it should be objected to on the same grounds as those on which his resolution on Thursday last had been objected to, namely, "that all who agreed to it, would confess they were corrupt." On the contrary, every member of that House, who held an official place, and received not a shilling more from government, than as a man of integrity, honour, and conscience, he thought he ought to receive, would certainly be among the first to agree to it, from a consciousness that it did not gall him, and a conviction that he merited the emoluments he enjoyed, and that when those emoluments were known, the House in general would think so. He could not, he declared, conjure up answers to any objections that might be made, because he could not foresee that any objection could possibly be made. On the other hand, the motion he meant to propose, might perhaps be acceded to on the idea that it was easy to evade it, in the execution of it; liable, however, as it might be to evasion of that kind, he was not afraid to venture it, because if any set of men should dare to evade it, it would be a matter of future consideration how to prevent such evasions, and to punish those who were so lost to all feeling of private integrity, as well as deaf to all sense of public duty, as to risk the hazard of a discovery of their having been bold enough to practise eva-

sions upon that House, in a business of the most serious importance. It was needless for him to take up much more of the time of the Committee in argument upon the resolution which he designed to propose first to their consideration, because it was of that kind that it could not be fortified by talking about it, and rested rather on the support of its own obvious expediency and necessity, than upon any thing he could offer as a collateral strength to it.

The Resolution was as follows: "That it is the opinion of this Committee, that, for preserving the independence of parliament, and obviating any suspicion of its purity, there be laid before this House, within seven days after the first day of every session, exact accounts, authenticated by the signature of the proper officers, of every sum and sums of money paid in the course of the preceding year, out of the produce of the civil list, or any other branch of the public revenue, to, or to the use of, or in trust for, any member of either House of Parliament, by way of pension, salary, or on any other account whatsoever; specifying when, and on what account."

Lord *North* declared he had not a wish or a design to oppose the resolution that had been moved, because he thought it asked for a fair account, and such an account as he felt himself readily inclined to give, being conscious that no member of that House received a shilling from government which either government ought to be ashamed to pay, or the member ashamed to receive. He rose merely to submit it to the learned gentleman, that upon the first sight of his motion it appeared to him as liable to some objection in two parts of it, from its peculiar wording; the one was in the interpretation it would bear, the other the extent of the main object of the motion. With regard to the first, many of those persons, such as the auditor of the Exchequer, &c. derived the greater part of their emoluments from fees and perquisites paid them, on their issuing the public money in salaries, &c. Did the learned gentleman mean, that his motion should be construed to extend to those fees, as well as to the specific salary each officer received? Were they to state to the persons who made up the accounts the motion called for, the sums they paid themselves by those fees, as well as the sums they specifically received from the public for the trouble of their office? The other objection that struck him was,

by the motion expressing that an account of all sums of money paid to members of parliament, be laid before that House, it went to an interference with the other House of Parliament, an interference for which possibly the other House would not think themselves much obliged to the hon. gentleman, because though it certainly was a right thing, perfectly parliamentary, and perfectly proper to purify themselves, and to take care of their own virtue, it did not follow that it was either right or necessary for them to assume the guardianship of the other House, or to act as the preservers of their integrity. His lordship concluded with declaring, that he mentioned this merely as a matter likely to create a difference between the two branches of the legislature, and not with any design to oppose the motion, which, he repeated, he thought every way fair and reasonable, excepting only in the particulars stated by him as liable to some objection.

Mr. *Dunning* said, that his motion was couched in broad and direct terms, because it was meant to have a broad and direct extent. That he neither designed it to convey more nor less than the wording of it imported, and that he had flattered himself he had been happy enough to draw it up in terms so plain and obvious, that they fully and clearly expressed his meaning. The motion called for exact accounts of all such sums of money paid to members of parliament, in the course of each preceding year; certainly the accounts could not be exact if they did not state all and every sum, whether arising from pension, salary, or fees. With regard to what the noble lord had said, respecting the right of the committee to interfere with the other House in the manner the motion stated, they certainly had a right so to interfere, and so far was it from being likely to give umbrage to the other House, he could assure the committee that a similar motion would be offered to that House. Exclusive of that, however, he held that the purity of parliament was an object within the power of each House to attempt to preserve; of the House of Commons to take care of the purity of the House of Lords, and of the House of Lords to take care of the purity of the House of Commons; but to put the matter out of all doubt, the resolution then under consideration was but one of the several propositions which all tended to one point, namely, an effectual compliance with the prayers

of the people; and when he had attained that point, he certainly did not mean to leave them as mere resolutions of the House, but should, with leave of the House, bring in one or more Bills, grounded upon the several resolutions, which necessarily would come under the consideration, and meet the discussion of the other House of Parliament.

The *Attorney General* pointed out the difficulty, that would arise from a doubt, which would probably be entertained, whether the motion extended to monies paid to public trustees. As for example, large sums were paid to the auditor of the imprest, and other officers, such as cofferers, treasurers, &c. who paid it away in smaller proportions. He declared he approved of the motion, because it tended to bring forth an exact account of all monies received from government by members of parliament, which would have this most important and salutary effect, it would serve to disabuse the public, and remove from their minds the prejudices arising from the impression of those false and scandalous stories so injuriously and industriously propagated by artful, interested and wicked persons, who wished to have it believed, that a large share of the public money passed into the pockets of members of parliament; the very contrary of which was the fact, as would appear from the account now called for.

Mr. *Macdonald* submitted it to the learned gentleman, whether there was not a part of the motion which demanded an exception, and that was, its extending to all monies paid to members, &c. observing that possibly large sums might be paid to members of parliament in foreign employ, either as ambassadors, commanders of armies, &c. which sums might be destined for great national services, and might not be distributed and applied before the end of the year, or the commencement of a session, and the discovery of which sums having been lodged in the hands of such members so employed, being made known to our enemies, might be of material injury to the public interest. He said he the rather mentioned this, because he conceived the learned gentleman by his motion, meant merely to ascertain the sums paid to members liable to influence in parliament, which influence those employed on foreign service, as he had stated, certainly were not liable to. He concluded with thanking the hon. and learned gentleman for his motion, declaring that he thought it a

very laudable one, and excepting in the particular which he had adverted to, it met with his hearty and full concurrence.

Mr. *Dunning* declared, that the great view with which he had proposed the resolution, was to preserve the independence of parliament, and that end he flattered himself it would fully answer. If it also answered the other more important end alluded to by the learned gentleman opposite to him, namely, that of disabusing the public, and convincing them that their prejudices respecting the supposed corruption of parliament, were altogether ill-founded; that surely would render it a most desirable motion.

The question was put and carried without a division.

Mr. *Dunning* rose again, and explained on what grounds he meant to proceed next, still urging the committee ever to hold in their minds the consideration that the corrupt pecuniary influence supposed to exist within those walls, was the grand basis of all the petitions, the first object of the jealousy of the people, and therefore ought to be a point at which it behoved them to direct their efforts, either to root it out, if it existed as was supposed, or to check its influence, and by endeavouring to prevent it as much as possible, to convince the people of England, that they were serious in their determination to comply with their petitions, zealous effectually to satisfy them, and anxious to clear themselves from all suspicion of being willing to be corrupted. The resolution he then designed to propose would be aimed at the incompatibility of certain placemen holding seats in that House, and would tend to remove thirteen instances of influence, by rendering it in future impossible for thirteen persons, holding such places as he should describe, to sit in parliament. He then read the Resolution he had to offer, which was as follows: "That it is the opinion of this Committee, that it is incompatible with the independence of parliament, that persons holding the offices of treasurer of the chamber, treasurer of the household, cofferer of the household and his clerk, comptroller of the household and his clerk, master of the household, and the clerks of the green cloth, be entitled to hold seats in this House, if such places shall be permitted to exist." This resolution he did not expect would be as cheerfully accepted as his preceding one; he trusted, however, that should the question be pushed to a division, he and his friends

would not, as they had been wantonly told they would, in the debate of Thursday last, turn out to be a rope of sand, but would still carry it by a majority: indeed it was impossible to do otherwise when it was considered how much his first resolution had on Thursday last been strengthened by the friendly assistance of a learned gentleman in his eye, who was not content with suffering his motion to stand as it did upon the simple grounds of declaring that the influence of the crown had increased, was increasing, and ought to be diminished, but had thought proper to enforce the whole of the proposition, by adding to it, that it was necessary for the committee then to declare as much.

Mr. *Dundas* said he had no intention in the course of what he should say that evening to advert to what had passed in a former debate, though he was fair to own, that in moving the amendment adverted to by the learned gentleman, he had considerably strengthened a proposition which he certainly did not mean to have strengthened, but which he had moved the amendment to, in the hope that it would more forcibly impress the minds of the committee with the propriety of negating that proposition. All this he was free to confess, and at the same time he was free to declare, that it had been in compliance with the sentiments of others that he had then moved the previous question; a matter he was by no means fond of proposing, because it was much more consonant with his temper and frame of mind, when any proposition came under his consideration, to give it either a direct negative or a direct affirmative, whichever it appeared to him to merit. Having in the instance alluded to, shewn his awkwardness and his ill-success in proposing a previous question, he would now avoid falling into a similar error, and for that reason, as he approved of the present proposition as little as he had approved of the former, he would give it a direct negative, and although, as the learned gentleman had boasted, it had not yet appeared that those with whom that learned gentleman had acted, were a rope of sand, he would excuse him, if upon the present question he fondly indulged himself in the expectation of finding, that they were but a rope of sand, and that it would be on this occasion that they would begin to crumble away. He would not then, however take up the time of the committee in any explanation of his own ideas, conveyed

in his own insignificant expressions, because he could more fully convey his meaning in the elegant and forcible language of another person (Mr. Burke), who had ten years ago treated on the topics then under discussion with such a depth of philosophical reasoning, with so much true political knowledge, and so large a share of solid and convincing argument, that the committee, he was certain, would thank him, for substituting that author's opinion, in the room of his own crude and undigested thoughts. The author he alluded to, was the author of a book published precisely 10 years since, under the title of "*Thoughts on the Cause of the present Discontents*;" a book which when he first read it, made a deep impression on his mind, and which from a recollection, that it turned immediately upon subjects now the principal topics of political discussion, he had lately referred to, and as it was not the fashion to quote from recollection, had copied upon paper a large extract from, which extract he would read to the House as a part of his speech.

He then produced several folio manuscript pages; the beginning of them he stated to be an answer to the argument in favour of triennial parliaments, which, as it was not the topic then under discussion, he would not trouble the committee with hearing. He then proceeded to read the remainder of the extract, as follows:

"The next favourite remedy is a place-bill. The same principle guides in both; I mean the opinion which is entertained by many, of the infallibility of laws and regulations, in the cure of public distempers. Without being as unreasonably doubtful as many are unwisely confident, I will only say, that this is also a matter very well worthy of serious and mature reflection. It is not easy to foresee what the effect would be, of disconnecting with parliament, the greatest part of those who hold civil employments, and of such mighty and important bodies as the military and naval establishment. It were better, perhaps, that they should have a corrupt interest in the forms of the constitution, than that they should have none at all. This is a question altogether different from the disqualification of a particular description of revenue officers from seats in parliament; or, because they are not, of all the lower sorts of them from their votes in elections. In the former case only, the few are affected; in the latter, only the inconsiderable. But a great official, a great profes-

sional, a great military and naval interest, all necessarily comprehending many people of the first weight, ability, wealth, and spirit, have been gradually formed in the kingdom. These new interests must be let into a share of representation, else possibly they may be inclined to destroy those institutions of which they are not permitted to partake. This is not a thing to be trifled with; nor is it every well-meaning man, that is fit to put his hands to it. Many other great and serious considerations occur. I do not open them here, because they are not directly to my purpose; proposing only to give the reader some taste of the difficulties that attend all capital changes in the constitution; the great uncertainty, to say no worse, of preventing the court, as long as it has the means of corruption abundantly in its power, of applying them to parliament, and, perhaps, if the public method were precluded, of doing it in some worse and more dangerous method. Underhand and oblique ways would be studied. The science of evasion, already tolerably understood, would then be brought to the greatest perfection. It is no inconsiderable part of wisdom, to know how much of an evil ought to be tolerated; lest, by attempting a degree of purity impracticable in degenerate times and manners, instead of cutting off the subsisting ill practices, new corruptions might be produced for the concealment and security of the old. It were better, undoubtedly, that no influence at all could affect the mind of a member of parliament. But of all modes of influence, in my opinion, a place under government is the least disgraceful to the man who holds it, and by far the most safe to the country. I would not shut out that sort of influence which is open and visible, which is connected with the dignity and service of the state, when it is not in my power to prevent the influence of contracts, of subscriptions, of direct bribery, and those innumerable methods of clandestine corruption, which are abundantly in the hands of the court, and which will be applied as long as these means of corruption, and the disposition to be corrupted, have existence amongst us. These are my sentiments, honest and unbiassed, to the best of my judgment; submitted, however, to the opinion of grave men, well affected to the constitution of their country, and of experience in what may best promote or hurt it."

Having finished, the learned gentleman

paid many ironical compliments to Mr. Burke, upon the extract he had just read, and declared it so perfectly coincided with his sentiments, that he had scrupled not to become an acknowledged plagiarist sooner than suffer such excellent arguments to escape the notice of the committee. After pushing this idea pretty far, the Lord Advocate recurred to the motion, which he objected to on the double ground of tending, of a sudden, materially to alter the constitution, and being calculated to enforce a measure highly inexpedient. He said it might do honest men a serious injury, but would not prevent rogues from remaining dishonest. Those who were wicked enough to be willing to receive the wages of corruption, would receive them, for various secret means of corruption were within the scope of human ingenuity.

He justified, by past example, the propriety of having the great officers of state, and those who served near the person of the King, in parliament; declared he wished the constitution to remain as it was, and was not at any rate for coming so decisively to a resolution, which, if carried, would make a violent alteration in it. If the idea had been suggested to the House by a Bill, it would have appeared to him a much fairer way of proceeding, because at the bringing in of such a Bill, at its first or second reading, on its commitment, or in any of its subsequent stages, it might be coolly discussed, but in the present instance, gentlemen were called on instantly to decide upon an extensive and important proposition, popped out of a member's pocket and wholly new to those whom it most immediately concerned. This mode of taking the House by surprise was of itself sufficient to excite his objection to the motion, and the rather because the learned gentleman who made it, should he carry it, would not be content with that, but contrary to all parliamentary rule, would proceed a step further, and report it instantly. Thus not giving gentlemen time to sleep upon their opinions, not affording them an opportunity to recal a rash vote, should it upon consideration appear to be so, they were hurried from one measure to another, and might do infinite mischief. Not that he meant to blame the gentlemen of the other side for this conduct, they certainly were wise in pursuing, it was right for them to adopt it, nor could they effect their purpose in any other manner. He

concluded with giving his negative to the resolution.

Mr. *Burke* began with saying, that the learned gentleman's feelings of surprise were of the most extraordinary kind. Surprise to the learned gentleman was preparation. The learned gentleman's speech was the plainest and most direct answer to his argument against being taken by surprise, for though he had known nothing of the motion then under consideration, an invisible agent had conveyed into his pocket a long written extract, which the learned gentleman had thought convenient and applicable. The learned gentleman had descended to steal that from another which was of little worth. He had confessed himself a plagiarist, a plagiarist of the most pitiful kind! He had robbed the poor, and taken what could avail him nothing. With regard to the author quoted by the learned gentleman, would any man say that a writer was bound to follow in all cases, and under all circumstances, those arguments which he had thought wise and proper ten years ago, when times and circumstances were excessively different? At that time influence was not carried to the extent to which it had been carried since. The American war had not been commenced. America was not lost to this country by influence. As far, however, as he was acquainted with that author, he would take upon him to assert, that what were his opinions, when he wrote the passages the learned gentleman had cited, were his opinions now, exactly and entirely. The extract had no reference whatever to the point then under discussion; but he would appeal to the committee if his conduct had differed from the doctrines contained in that extract. What was the principal argument of them but this? That a general place bill, tending to disjoint the military and great professional departments from the legislature, and give them separate feelings and separate interests, would not only be a violent, but a dangerous innovation on the constitution. Who would now say otherwise? The place bill at present proposed, was not the sort of measure the extract alluded to. After arguing this for some time, he went into a defence of the motion as perfectly consonant to his own bill, though it fell somewhat short of it. The clause, however, having been lost, was it to be then wondered at, or charged against him as an inconsistency, that he should

take up his friend's proposition which came so near to his own meaning? This led him into a defence of his own clause, which the committee, who sat upon it before the holidays, had rejected. He declared it appeared to him that the offices aimed at in his plan of reform, such as the King's cooks, the King's dog-keepers, &c. were, in his opinion, much too menial to be held by members of parliament, and therefore he had wished to abolish them. To do those members who held these sort of places justice, it was but fair to say, they had a most gentleman-like ignorance of the duties of the respective offices they filled. From this he returned to a defence of the present motion, and trusted that he and his friends should prove to be linked by a more tough and durable chain, than a rope of sand, by the decision of the question, which he justified from the Lord Advocate's attack on the ground, "that it would, if carried, do an injury to many an honest man, but not prevent men willing to be corrupted, from being corrupted," by desiring the committee to remember that part of the Lord's Prayer, which says, "lead us not into temptation," and telling them it was their duty to lessen the inducements to members to be corrupted by taking away the means of corruption.

The *Attorney General* argued against the motion, deeming it a proposition unjust in itself, and unwise, tending to deceive the people, and to produce an effect directly opposite to that, which it had been stated as likely to produce. Were it carried, it would dishonour those offices it was levelled at, by holding them out as not fit to be trusted with members of parliament, and, in fact, would only remove the influence, if any these offices carried in them, from that House to the other, for if they were taken from the members of that House, they would certainly be given to the members of the House of Lords. He defended placemen in general, and said that to remove them would give room for secret and the worst kind of influence to be exerted. While men of honour held places, the degree of influence they were under, was known, and their conduct obvious to comment: the offices in question might be held by less honourable persons, and a greater mischief be done to the state and to the constitution.

Mr. *T. Pitt* called back the attention of the House to the motion. He said

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that even if the learned gentleman who spoke last, had been right in his argument, that it would only change the influence from one House of Parliament to the other, it would do material service, because so long as the House of Commons was incorrupt and pure, the constitution was safe, for danger was not to be dreaded from the other House.

Mr. *Dunning* replied, by a recapitulation of the arguments which he had used before, and reminded the gentlemen who had made their objections, without attending to those arguments, they might have prevented him from obtruding himself upon the House.

The Committee divided: Yeas 215; Noes 213.

Petition from Rochester against Popery. April 11. Mr. Gregory presented a petition from 1,962 persons, inhabitants of Rochester, praying that leave might be given to bring in a Bill for the repeal of the act lately passed in favour of the Roman Catholics.

Lord *George Gordon* expressed his satisfaction at seeing the petition brought in. His lordship expatiated on the necessity of that House taking as active a part relative to the religious establishment, as they were taking from day to day in political affairs. He lamented, that although there were two churches and one cathedral at Rochester, there were few of the clergy who had signed the petition; it was their peculiar province, he said, to guard against the inroads of Popery, which was making hasty strides to re-establish itself throughout the kingdom, and threatened extirpation to Protestantism. He begged leave to read a memorial or resolution, descriptive of Popery, and all its horrid consequences, which was drawn up in Ireland in 1626, and signed by the archbishop of Armagh, and the other prelates of the Protestant church in that kingdom. Having finished reading, he said, our bishops ought to come to a similar resolution, but the time-serving priests, the Popish episcopalians of the other House, were more intent on other objects, and objects less worthy the attention of Christian prelates. He ran into a strain of vehement attack on those in power, for not doing their duty in religious matters.

Mr. *Turner* said, he could not sit still and hear the noble lord run on at that rate. The noble lord was perpetually interrupting business, and introducing matters directly

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personal. The noble lord had got a twist in his head, a certain whirligig which ran away with him, if any thing relative to religion was mentioned, and made him expose himself perpetually. He said this out of friendship to the noble lord. He wished the noble lord well; the noble lord was a staunch Whig, an enemy to the American war, and a friend to the liberties of the people; he could not bear, therefore, to see the noble lord render himself a laughing stock, and become the make-game of the whole House. He respected the noble lord, and the House ought to respect him on account of his noble family. Mr. Turner having said this, went into an argument, to prove that religious jealousies were equally illiberal and unjust. That a Protestant would not plough the ground better than a Papist, nor a Papist better than a Protestant, and as long as the Roman Catholics demeaned themselves decently, and conformed to the laws of the country, they had a right to expect and to receive every possible indulgence.

Lord *George Gordon* rose again, and in order to elucidate his former argument, pulled out an Irish newspaper, and read two extracts from father O'Leary's letter against the principles of Wesley; he afterwards read some passages from Wesley's reply, and contended that another massacre of the Protestants, like to that in Ireland, was to be dreaded, if something was not done conformably to the wishes of those of the Established Church. He said such as came up to him as a member of parliament, had told him, that they already considered themselves absolved from their allegiance to his Majesty. They had not yet determined to murder the King and put him to death; they only considered that they were absolved from their allegiance. He declared the Lord Advocate knew very well what was the opinion of the people in Scotland respecting Popery, and that what he had now said, he had not thrown out as any idle threat; he meant to put ministers on their guard, to warn them to do what was right in time. For this purpose he had been twice to court to tell his Majesty what he knew upon the subject, and now rose to tell it ministers.

Mr. *Gregory* declared, that to his knowledge those who had subscribed the petition were not of such sentiments as the noble lord had described. They were firm in their loyalty, as good and as peaceably inclined as any of his Majesty's sub-

jects, and so high was their love and zeal for their prince, that there was not one of them who would not willingly lay down his life and fortune in his service.

The petition was ordered to lie on the table.

Mr. Burke's Speech on the Punishment of the Pillory.] Mr. *Burke* called the attention of the House to a very particular matter. He said, they sat there to make laws for the subject; that the laws which chiefly came under their consideration were laws of civil polity, but those which most claimed their attention and care were the criminal laws. The first only regarded men's property, criminal laws affected men's lives, a consideration infinitely superior to the former. In making criminal laws, it behoved them materially to consider how they proceeded, to take care wisely and nicely to proportion the punishment so that it should not exceed the extent of the crime, and to provide that it should be of that kind, which was more calculated to operate as an example and prevent crimes, than to oppress and torment the convicted criminal. If this was not properly attended to in the criminal laws which passed that House, they forced his Majesty to violate his coronation oath and commit perjury, because his Majesty, when he was crowned, and invested with the executive government, had solemnly sworn to temper justice with mercy, which it was almost impossible for him to do if that House suffered any penal laws to pass on principles repugnant to this idea, and in which justice, rigid justice, was solely attended to, and all sight of mercy lost, and foregone. He said, the matter which had induced him to make these reflections, was the perusal of a melancholy circumstance stated in the newspapers of that morning. He hoped to God the fact was mis-stated, and that the whole relation had no foundation in truth. It had, however, made a very strong impression on his mind, and he conceived it of a nature sufficiently interesting to merit the attention of that House, because if it should turn out to be true, he thought it would be incumbent on that House to take some measure in consequence of it. The relation he alluded to, was that of the unhappy and horrid murder of a poor wretch, condemned to stand in the pillory the preceding day. The account stated that two men (*Reed* and *Smith*) had been doomed to this punishment; that one of them being

short of stature, and remarkably short-necked, he could not reach the hole made for the admission of the head, in the awkward and ugly instrument used in this mode of punishment; that the officers of justice, nevertheless, forced his head through the hole, and the poor wretch hung rather than walked as the pillory turned round; that previous to his being put in, he had deprecated the vengeance of the mob, and begged that mercy, which from their exasperation at his crime, and their want of considering the consequences of their cruelty, they seemed very little to bestow. That he soon grew black in the face, and the blood forced itself out of his nostrils, his eyes, and his ears. That the mob, nevertheless, attacked him and his fellow criminal with great fury. That the officers seeing his situation, opened the pillory, and the poor wretch fell down dead on the stand of the instrument. The other man, he understood, was likewise so maimed and hurt by what had been thrown at him, that he now lay without hope of recovery.

Having stated this to the House, Mr. Burke proceeded to remark, that the Punishment of the Pillory had always struck him as a punishment of shame rather than of personal severity. In the present instance it had been rendered an instrument of death, and that of the worst kind, a death of torment. The crime for which the poor wretches had been condemned, was such as could scarcely be mentioned, much less defended or extenuated. The commission of sodomitical practices. A crime of all others the most detestable, because it tended to vitiate the morals of the whole community, and to defeat the first and chief end of society. The crime was however of all other crimes a crime of the most equivocal nature, and the most difficult to prove. When criminals convicted of sodomitical practices were sentenced to the pillory, they were adjudged that punishment with a view to expose them to public reproach and contempt, not to popular fury, assault and cruelty. To condemn to the pillory with any such ideas, would be to make it a capital punishment, and as much more severe than execution at Tyburn, as to die in torment, was more dreadful than momentary death, almost without sensation of pain. He submitted it, therefore, to the consideration of the House, whether, if the facts turned out as they were stated in the newspapers, and as he had reported them

to the House on newspaper authority, it would not be right to abolish the punishment of the pillory, since it was liable to such violent perversion, as to be rendered not the instrument of reproach and shame, but of death and murder. If no man would take the matter in hand, he would bring in a Bill for this purpose; he saw, however, a learned gentleman in the House, from whose high character and distinguished place, it was fair to infer that the matter would be much better lodged in his hands, and would be more properly conducted than it could be by him. He hoped that learned gentleman would take it up, and that the House, if the facts should turn out to be true, as he had mentioned, would direct the learned gentleman to proceed against those to whose neglect, or cruelty, the murder was ascribable.

The *Attorney General* complimented Mr. Burke on his having stated the matter to the House with those striking features of humanity which characterized his conduct on every occasion; he said, most certainly a tale of so extraordinary a nature merited the attention of that House in general, and his attention in particular. He should do the hon. gentleman the justice to pay immediate regard to what he had said, and though he had the utmost respect for the House, and should on every occasion most readily pay obedience to its commands, it did not strike his mind that their interference was necessary on the present occasion. If the facts were as the hon. gentleman had stated them to be, the matter immediately called for legal enquiry, in order to lead to a conviction and punishment of those who were guilty, and had been accessory to the murder. The judges who sentenced the men to the pillory, were clearly innocent of the guilt of their deaths, because, undoubtedly, they had done no more in condemning them to that punishment, than they were obliged to do by the laws now in being, and could have no idea that they were sentencing the criminals to a punishment that would affect their lives. There were two descriptions of persons who were the objects of punishment in the present case, those who by neglect of duty had suffered the criminal to be murdered, and such of the mob as were most immediately concerned in the murder, if they could be come at. It was unquestionably proper that offenders, guilty of such an atrocious crime, should be convinced that what they had done was within the reach of the laws

of the country, and that no men, however they might be misled by ill-judged indignation, would be suffered to commit such enormities with impunity. In doing this, however, proper care must be taken that in endeavouring to answer the ends of justice, injustice was not committed. It certainly was necessary for the officers appointed to put the sentence of the law in execution upon criminals, to do their duty with a certain degree of spirit. He should therefore first institute an enquiry in order to substantiate the facts, and then proceed regularly upon them. With regard to an alteration of the law as it stood, the hon. gentleman would give him leave to pause upon it a little, and before he took any step for that purpose to consult those more conversant with the nature of criminal punishments, than he was himself.

Sir Charles Bunbury, in confirmation of the perversion of the punishment of the pillory, stated the case of a man convicted of sodomitical practices at Bury, who had been recommended to mercy by the jury, and in whose favour application had been made to the judge who tried him. This man had been sentenced to the pillory, and having been a respectable house-keeper, had the greatest dread of that punishment, from a conviction that the populace would be so exasperated against him, that they would take his life. The man had stated his fears to him, and he had been the person who applied to the judge in the criminal's behalf. The judge was a very distinguished character, and a man of true benevolence, whose loss every man had lately had cause to lament, and whose name would always be remembered with respect. The judge had told him, that he thought the law required alteration, but as it stood, it was impossible for him to sentence the man to any other punishment. When this was reported to the prisoner, it threw him into despair, and so great was his dread of the pillory, that the night before the sentence was to be put in execution, he took poison. The next day, however, he was placed in the pillory, and as he had predicted, was so severely treated by the populace, that he died that night in gaol, and whether he died from the poison, or in consequence of his ill treatment from the mob, had never been ascertained.

Here the conversation dropped.

Debate in the Commons on the Malt Tax Bill—Private Breweries, &c.] April

12. Lord North presented the Tax Bill, enacting, that an additional duty be laid on malt, low wines and spirits, foreign wines, brandy, and rum, coals exported, advertisements, a duty on receipts for legacies, and a duty on licences to be taken out by persons dealing in coffee, tea, and chocolate. On the motion that it be read a second time,

Sir Charles Bunbury rose, and took a general review of the melancholy complexion of the public affairs. He compared the state, as situated at present, to a vessel at sea, tost to and fro in a violent storm. Those who had been appointed to pilot the ship, had, by a variety of instances, shewn their total incapacity to discharge the duties of their office. They had repeatedly avowed their own inability, and did not even pretend to be able to bring the ship safe into harbour. All they looked to was their own personal safety, and so far from attempting to direct the helm, they merely fastened to the handle of it, to prevent their being thrown overboard by the exasperated crew. So unwise, so dangerous, and so fatal in their consequences had been the measures pursued by these state pilots, that they had created universal dissatisfaction, disgust and despair. Their great measure, the American war, had reduced this country from a state of unexampled glory, to a state of wretchedness, of weakness, of adversity, and of contempt, almost beyond the idea of the most melancholy visionary. The consequences that stared us in the face had in the progress of the war escaped the notice of many gentlemen, who were now forced to witness the gloomy scene; there were, in that House, those who were jovial spirits, good companions, and friends of the bottle, who had carried a face of cheerfulness throughout the business, and if ever a qualm came across their minds, on a morning after a debauch, a dinner had silenced its impression, and the jolly evening had totally distanced all remembrance of it; there were others who were men of a melancholy turn, men who thought o' nights, and reviewed the business of each day, who had all along seen and dreaded the issue of that work, which appeared to them big with ruin. Of those possessed of this irritable frame of mind, he was one, and he had not only stood long since convinced of the errors of the past conduct of ministers, but he had more than once endeavoured to induce others to feel in the same manner.

A lively French writer had said, that the most melancholy quarter of an hour in the whole twenty-four, was that in which the reckoning was to be paid. This was the time in which the public were called on to discharge the tremendous reckoning incurred by the American war, and in order to do it, gentlemen were desired to impose burthens of the most galling kind on their constituents. It was now a moment when men naturally examined the items of the bill, and were led to ask themselves, whether in ordering the dishes which had composed their entertainment, they had not thoughtlessly given way to their capricious appetites, rather than consulted their sober reason, and ordered such matters only as their bodily health required. He would venture to say, that now men had risen from the feast, extravagant beyond all example as it had been, it had not proved salutary or satisfactory to any one that partook of it. The time of remedy had unfortunately been suffered to escape unused. He had objected to the bill of fare originally, and had stated his reasons for disapproving of the most expensive dishes. That very costly one, an army large beyond all examples, had been a particular object of his dislike. A large army to an Englishman was always disagreeable: a large army for no use was still more disgusting. What proof had they that the army, which had been voted, existed, but that most disagreeable of all proofs, the being called upon to pay them? What had that army done for the immense sums they had cost the public? What were they now doing? A short paragraph would comprehend the history of all their most memorable transactions. In 1778, the army evacuated Philadelphia; in 1779, they evacuated Rhode Island; in 1780, the army was—no man knew where, and doing,—no man knew what. So that the idea of Mr. Bayes, which had hitherto been considered as a ludicrous one, was attempted to be seriously realized, namely, to keep a large army incog.

So disgusted and so exasperated at the rapid decline of the empire were some men, that in the hour of their displeasure they suffered themselves to be misled, and were inclined to ascribe the cause of the mortifying change of our condition to certain defects in the government itself, which only proceeded from a weak and unwise administration of that government. These men were, in the blindness of their zeal to recover their former prosperity, at-

tempting to new model the constitution, that constitution, which from the days of his earliest infancy he had been taught to admire for the beauty of its structure, the fitness of its parts, and the uniformity and wisdom with which it was constructed and put together. That grand and noble edifice, the British constitution, was thought by some men to have lost a share of its ornaments, to have grown rotten with age, and to stand in need of repair. Let such zealots be cautious, that in their attempts to give it additional decoration, they did not deface its beauty, and destroy its splendid appearance. In supporting those beams which they thought were ready to give way, let them take care that they did not bring the old mansion over their heads. The edifice was, in his idea, not the less durable and strong, for the length of years that it had stood; it was of itself sufficiently noble; he wished, therefore, for one, that modern reformers would not rashly proceed in a business which might be fatal to themselves, and fatal to all who by birth-right were entitled to lodge in the mansion.

Sir Charles paid many ironical compliments to lord North for having, by the weight of his arguments, brought the whole nation to their senses, and to a thorough conviction of their sick and calamitous condition. His worthy friends on the other side of the House must, he said, excuse him, if much as he in general admired their eloquence, he thought that the opening speech of the noble lord, in proposing the taxes specified in the Bill then under consideration, had weighed down all their arguments, able and admirable as those arguments had frequently been during the course of the last five years. What they said, had undoubtedly been well said, but it served chiefly to amuse; what the noble lord had lately uttered, tended immediately to convince. He could not but consider their oratory respecting the American war, as pleasant and agreeable wine which passed through the body without leaving any proof of its having been swallowed. The noble lord's arguments, on the contrary, appeared to him to resemble medicinal draughts extracted from salutary drugs, which by rising in the stomach after they were taken, effectually reminded the patient of his disorder. That physician who declared the existence of the complaint, and made the declaration in such language as served to convince the sick of their malady, acted in the manner which

was most likely to open a way to recovery. The noble lord had told them, that the nation was in great exigency, that he must raise large sums to pay the interest of the loan, and that those sums must be raised by new taxes to be imposed on the people, and which, as the exigency was such as to demand an immediate supply of money, must be laid on the necessities of life. This argument was of weight, it was an unanswerable proof of our distress, it carried conviction in it, it brought the jovial fellow to his recollection, and it made the melancholy, thinking man perfectly sure that he had all along been right in his gloomy reflections on the consequences that must ultimately attend the measures that had been adopted.

Sir Charles said further, that he had been born to the title of a gentleman, a title which he had hitherto thought a high honour, but which he began now to fear, he should have reason to lament had ever belonged to him, from the appearance that there was, that he should not much longer be able to live in that rank in life which his birth had induced him to think he was intitled to hold. The forefathers of those whom the world called gentlemen, he was sure could have no idea, that this country in so short a time could possibly have been converted from a rich and flourishing, to a miserable, distressed, and despicable country; they could never have imagined that so much of the property they left their families, would have been taken away in taxes, or they would have all followed the maxim of Mr. Locke, and had their sons taught a trade, by which, in case of loss of fortune, they might be enabled to get their living. There was not now a single article or enjoyment of life which did not bring to the mind of every man in almost every hour of the day, a recollection of the distresses of the country, and the enormous burthen of the public taxes. Was he for an hour to forget the state we were reduced to, to feel a temporary cheerfulness, and sit at his ease in his chair in his chamber, he was disturbed with the knock of the collector to demand the house tax. Was he to go into his stable, the sight of the jockey boys reminded him of the tax on servants. Was he to travel in a post-chaise, and look through the front window, the horses brought to his recollection the tax on travelling post. Even sleep would not drown the remembrance, for should he fall into a dose as the carriage passed along, he was awakened to a

full sense of the tax by the turnpike-man's demanding the check ticket. The turnpike-man was, in his idea, like the beadle, who stood with his staff at the church door, and said, as the people came in and went out of the church, "Pray remember the building of the church!" The turnpike-man, in like manner, by demanding the check ticket, seemed to say, "Pray remember the American war!" By the Bill which had just been read, still farther occasions to remind him of the misery of his country were suggested. If he drank any of the wholesome beverage of England, he could not swallow the salutary draught without thinking of the additional tax on malt. Wine, which had hitherto been said to drive away care, would now produce an opposite effect, and bring care with every glass which was lifted to the lip. In short, there was no end to the mementos of public distress, and the only way of stopping the recollection of them that he knew of, would be by a toast. As the ministers, he was aware, disliked long speeches, he would not make his much longer, but would end this part of it by suggesting a toast to his new friends, for so he must call them. The toast he meant to suggest, he begged most seriously to recommend to their attention, because it contained a maxim, which if fulfilled, would, he flattered himself, do them and their country more honour and more service than any other theoretical maxim which they could possibly reduce to practice; his toast was, "Peace with America," and to this he begged to add another; "A less army and a stronger fleet." These two toasts would not only inspire universal hilarity, but would, in fact, conduce more effectually to restore the national health of body and happiness of mind, than any recipe that could at present be prescribed.

Having gone through a general review of the state of affairs, and traced them to the present moment, sir Charles declared he had an objection to all taxes, and that from the manner in which the money arising from taxes had of late been employed, that natural objection had been considerably increased. Ministers employed the money taken out of the pockets of the people in that most horrid of all purposes, the spreading war and desolation, and the destruction of our fellow creatures; this, to any man possessing the proper feelings of humanity, and a due sense of religion, was a sufficient reason

to make him detest and reprobate the idea of taxes. After this general remark, sir Charles came to a particular consideration of the malt tax, which he described to be a heavy burthen, a burthen which would pinch the poor, and which was unequally and partially imposed, in consequence of the distinction made in favour of Scotland. The noble lord in the blue ribbon, in proposing the additional malt tax, had stated it to the committee as not likely to oppress the subject, asserting that it would fall chiefly on the private brewers, who in general were families of wealth and property. He begged to tell the noble lord that this was a fallacious and a mistaken notion; the tax would bear hard on the poor, it would press and goad the labouring villager, and his already sufficiently distressed family. In the county in which he lived, and which he had so long had the honour to represent, sir Charles said, there were many cottagers who lived in villages without an alehouse, and who always, from motives of economy, brewed their own beer; these men already found it difficult to support their families by their industry and the sweat of their brow; that difficulty would now be considerably increased. The malt tax would affect all England, and it would be paid with the greater ill-will, from the glaring partiality to Scotland; in saying this, he hoped he should not be suspected of entertaining any illiberal prejudices against the natives of that part of the island; so far from it, he always considered those, who were born north of the Tweed, as much his countrymen as those who lived near his own house; he wished them to enjoy the same liberty, to participate in all the blessings of our constitution, and to share the comforts and enjoyments afforded by the mild government of Great Britain. With these sentiments, could it be thought unfair in him to expect that those who lived north of the Tweed should contribute their share towards the public expence, and proportionably assist in sustaining the public burthens. The taxes ought, in his opinion, to be equal in Scotland and in England; and he wished to know from those who were best able to inform him why a distinction respecting the malt tax had ever been made in favour of Scotland. He was not to learn, that at one time the country north of the Tweed was much behind the southern parts of the island in respect to cultivation and agriculture; so improved, however, he understood, was

Scotland in those points now, that he was amazed to find, that a country from which was collected so large a crop of statesmen, of lawyers, and of military men, who kindly joined in advising the cabinet, in being the advocates of the noble lord in the blue ribbon, and in conducting our armies in the field, should yield so small and so poor a crop of barley, and produce so little and such indifferent malt. It was not only in that subject of taxation that Scotland was unequal to England, but in almost every other. If the land of Scotland paid but 40,000*l.*, Yorkshire paid twice as much, Suffolk paid 70,000*l.* and other counties infinitely more. Having stated this, he recurred to the malt tax as it stood in the Bill, and declared that it would distress the public greatly. He asked, if the beverage of the people was selected as the noble lord's first object of efficient taxation, why did he not lay the tax equally, and take the beverage of the western counties, as well as the beverage of those near the capital, and near the north of the kingdom? Why not tax cyder? Cyder was a fair object of taxation, and though he was as unwilling as any man to assent to a measure, which tended to destroy the old English idea, that every man's house was his castle, and to preserve the dwelling of private families sacred from the rude entry of an unhallowed exciseman, he was convinced ways might be found of laying a tax on cyder, which might be so collected as to be free from this objection. Why not tax the cyder sold by the publican, which would, he was sure, produce a very large sum? He advised the noble lord to do this, and to reduce the intended additional malt tax to 3*d.* a bushel in England, and 2*d.* in Scotland, which would be an allowance of one-third to that country, an allowance he presumed fully equal to the difference between their barley, and the barley produced in the home counties of England.

Sir *Edward Astley* supported the proposition, that the tax would fall heavy on the poor, and stated that the new duty would, with what the malster would put upon it, amount to 6*s.* a quarter.

Mr. *Rolle* said, if the hon. baronet, instead of proposing a tax on cyder, had proposed a tax on horse-racing and the sports of the turf, it would have done him more credit, because then a part of the burthen would have fallen on his own shoulders. He wished the hon. baronet, instead of interfering with other counties and attempt-

ing to disturb the peace, would content himself with endeavouring to preserve the peace of his own county. Mr. Rolle added some farther personalities.

Sir *George Yonge* took up the argument solely on the ground of the inequality of the duty as intended to be laid in Scotland and England. He entered into a description of the sort of grain sown in Scotland, and said it was not barley, but called by some bear, by others big. It was inferior to barley, and certainly would not produce an equal quantity of malt. The very same grain was grown in the northern parts of England, and in many parts of Wales, in neither of which descriptions of place, either from the poverty of the soil, or from some other cause, would barley grow to any perfection. He contended, therefore, that if Scotland paid a less duty than in England, in addition to the duty already paid, that the same distinction ought in justice to be made in favour of Wales, and such parts of England where big was produced. He also noticed the little share of the public burthens sustained by Scotland, declaring, that notwithstanding the small portion of land tax expected from that country, that portion, small as it was, was not paid; for that Lady Day, 1779, there was a deficiency in the account of 103,000*l.* and now a year having elapsed, there was consequently a much greater deficiency.

Sir *Adam Fergusson* answered the argument that Scotland was not equally taxed with England, by remarking on the different state of the two countries, and the superior wealth of England. Those Scotch who were possessed of large estates in their own country, for the chief part of the year resided here, where they paid the same taxes on what they consumed as any other persons. Sir Adam also said a good deal respecting the idea of making Scotland pay as large a malt tax as England; declaring that it ought first to be proved, that the barley from which the malt was made, was equal in quality to that which grew in England.

Lord *George Gordon* declared, that undoubtedly his countrymen were as able to pay taxes as the inhabitants of any part of England. He imputed the noble lord's making a difference in favour of Scotland, not so much to any doubt of the ability of the Scotch, or of the inferiority of beer and big to barley, but to a consciousness of resistance in case the noble lord attempted to load them with as heavy a load

of taxes as he was imposing upon England. The learned Lord Advocate well knew the spirit of the people, by their enthusiastic efforts against the introduction of popery, and they would be as ready to rise against other measures of the present popish ministry, and would, to a man, refuse to pay additional taxes. The noble lord in the blue ribbon dare not lay the same taxes on Scotland as on England; if he did, he was aware that neither he, nor his abettors, nor his excise officers, no, nor all the army could collect them.

Mr. *Dundas* rose to reprehend the noble lord for throwing out any such ideas; he said it was neither proper nor fair for the noble lord to argue in that way. His arguments were all ill-founded, for he would take upon him to assure the House, that his countrymen would be as ready to pay any taxes that House should think it necessary to impose as any Englishmen could be. When the noble lord chose to indulge himself with talking about popery and such like fancies, he had no manner of objection, but he could not sit silent when the whirligig took the noble lord, and he thought proper so far to stretch his ingenuity, as to unite popery and small-beer together, and falsify a whole people. He might go on for ever in extolling the inferior Scotch before their superiors, and in preferring the forty five self-created societies of Glasgow, to every other respectable and legally constituted body in Scotland, without interruption from him, but he would not suffer him to mislead the House in an important fact, which he was from his own knowledge enabled to contradict. Having said this, the Lord Advocate went into a circumstantial detail of the history of the malt-tax, as far as it regarded Scotland, stating its operation at different periods, and what were the effects of the different modes in which it had been imposed since the Union. He advised gentlemen not to indulge themselves in wild speculative fancies and projects, without consulting the evidence of parliamentary history, which would have taught them that those projects had already been put in practice and found upon trial to be impolitic. He stated, that by the Act of Union, it was stipulated that Scotland should pay no malt tax during the then war, which, as England was at that time remarkably jealous of a malt tax, and that House for the most part determined that no malt tax should be imposed on England after the

war was over, the stipulation was considered as a perpetual exemption from a malt tax in favour of Scotland. In proof how jealous the English were of a malt tax, he reminded them, that from the reign of queen Anne to the present hour, the malt tax was not rendered a permanent and established tax, but was voted from year to year. From 1713 to 1724, he stated, that a malt tax was with great difficulty imposed on Scotland, that upon it a Scotch peer had moved in the other House to dissolve the Act of Union, and on the division there were exactly 55 votes on each side of the question. That the produce of the malt tax from 1713 to 1724, was very little; in 1724 it was put upon the present footing, and became productive; it had now remained on that footing for near 60 years, and no man who was wise, or wished well to both countries, and to the revenue, would attempt to alter it. If it was altered, in all probability they would not increase the duty, but induce the Scotch to encourage smugglers, substitute spirits for malt liquor, and neglect the brewery. He entered into an ample discussion of the nature of the grain produced in Scotland, and said, that in the county he represented, that Paradise of Scotland, the Lothians, there were certainly spots as fertile and as productive as many parts of England, but that in general barley would not grow to perfection in his country, and the reason was not so much the want of a fertile soil as the harshness of the climate, which, let agriculture be ever so much improved, would to all eternity prevent such barley as was raised in the southern parts of the kingdom, from being raised and ripened in Scotland. He said further, that the strong winds and wet season, the early commencement of winter, and its long continuance, prevented barley from growing to perfection north of the Tweed; that the farmers now were obliged to gather it before it was half ripe: and that if any man could go into a farmer's barn yard there, he would see stacks of barley as green as when it was growing. In this country he felt no such wind as in Scotland. On the contrary, he daily saw such houses built as would in Scotland be blown away in one night, like feathers before the wind. When he went every year to his own country, he found no beer that he could drink, it was such weak, disagreeable, and poor stuff. Here it was so fine, so pleasant, so swelling a liquor, that

he little cared if he tasted no other beverage all the while he staid here. After going very fully into argument to prove that it would be idle to impose the same malt tax on Scotland as on England, because the country could not pay it, he spoke generally on the impropriety of opposing the taxes which had been voted in a committee, and agreed to by the House, contending that as the supply had been voted, and the minister had made a large loan on the faith of parliament, to pay the interest of which the sinking fund must be mortgaged, if the taxes proposed were not agreed to, or some others; the House was bound to agree to the taxes, and enable the minister to keep his conditions with the subscribers; he added, that gentlemen who opposed the present tax, ought, in candour, to suggest a fresh one equally productive and more practicable.

Lord *George Gordon* said, he verily believed the learned lord was fond of that English beer, that swelling liquor, which he so well described; for it had swelled him up to such a degree, that he was exceedingly windy in that House, and made a great noise with the reports of those arbitrary and despotic principles he was ready to burst with, and was daily discharging under their very noses.

Mr. *T. Townshend* warmly took up the latter part of the learned lord's speech, declaring it was the first time he had ever heard it laid down as a parliamentary principle, that no gentleman had a right to oppose a tax unless he suggested another in its stead: to find fit new taxes he declared to be the duty of the Chancellor of the Exchequer, and of no other person.

Mr. *Fox* retorted on the Lord Advocate's argument that the House was obliged to agree to ways and means, after they had voted a supply, and with great ingenuity applied it to Mr. *Dunning's* motions already voted, and those his learned friend still meant to propose. He said the vote of Thursday last was the supply which the House had voted in the case he alluded to, the two resolutions which passed the committee on Monday were the ways and means to make good that vote of supply: the beneficial ways and means, the best, the only ways and means that could answer that supply already voted to the people of England in compliance with their petitions. He hoped there the learned lord's doctrine laid down that night would hold good, and

that the House, when the report of the committee was made, would discharge their duty, and agree to the resolutions. If they did not, they failed in their duty, they deceived the people, by promising what they refused to perform, and it would be more manly to rescind the resolution of Thursday, than to let it stand. He declared he should vote against the malt tax, because he thought a better tax might be devised, less oppressive to the subject and equally productive.

Lord *North* answered the objections that had been made against the tax, and shewed that it was a necessary one, and that when it was rightly considered, it would not be found oppressive on the poor. He repeated his opinion respecting a cyder tax, and said, if ever it was imposed, it must be in the same manner as it had been laid the last time, when it was so much objected to, notwithstanding that a composition of 40s. a year would have entitled a family consisting of 20 persons, to consume as much cyder as they thought proper.

The Bill was then read a second time without a division.

Debate on Mr. Crewe's Bill for disabling Revenue Officers from voting at Elections. April 13. The order of the day was read for the second reading of the Bill "for better securing the Freedom of Elections of Members to serve in Parliament, by disabling certain Officers, employed in the Collection or Management of his Majesty's Revenues, from giving their Votes at such Elections, was, according to order, read a second time."

Mr. *Crewe* stated, that the object of his Bill was to diminish the influence of the crown, and contribute towards securing the independence of parliament, two of the matters chiefly desired by the people in their petitions, and therefore purposes which that House were bound in duty to their constituents to fulfil, and which they had given a promise to fulfil, by the resolution which they came to on Thursday last, "that the influence of the crown had increased, was increasing, and ought to be diminished." He said further, that his Bill did not take away, as might be supposed, the franchises of persons holding offices in the customs, it only established it as a rule, that while they possessed offices under the immediate influence of the crown, their right of voting for members to serve in parliament

should be suspended. This he termed an effectual mode of restraining the influence of the crown without doors in one material instance, which he conceived ought to be their aim as much as endeavouring to restrain that influence within doors, or the work of reformation would only be done by halves.

Mr. *Dundas* said, he rose with a determined resolution to resist the Bill, and declared he would resist all such Bills, as long as he had a mouth to utter a sentence with, or legs to stand upon; because he considered the Bill as an attempt to make a violent alteration in the constitution, without having first established proof that the constitution wanted alteration, or that, if it did, the matter suggested by the Bill would be the sort of alteration that was fit or necessary. The Bill appeared to him to be of a most alarming nature; the principle of it was what he objected to altogether; for which reason he rose to oppose it on the second reading, without waiting till it got into a committee. The principle of the Bill was no less than a total disfranchisement of a large body of the electors of Great Britain, without proof of their having committed any crime to render them deserving of so severe a punishment. It had been said, that the Bill did not disfranchise the officers of the revenue, for if they chose to keep their right of voting, they might do it on giving up their places. Good God! what was this but reducing them to the most cruel of all possible alternatives—either to lose their franchises or to starve! Many of the revenue officers had for years followed the employ of their present situation, and maintained their families by their salaries. Many of them had left trades and occupations to which they could not now return, they must therefore either give up their daily bread or their franchise. Would any Englishman who would give himself time to reflect a moment on this true state of the case, say, he was prepared to give his vote in support of a measure so violent, so arbitrary, so inimical to every principle of freedom, and so unjust? What had the revenue officer done to merit such treatment from that House? And what right had that House to take a stride of that kind, and at one dash of the pen annihilate the franchises of a large body of the subjects, without any reason having been assigned farther than a mere assertion, that it was consonant to the prayer of the

petitions so to do, and without any proof being adduced, which could at all tend to convince the House that such a step was any way justifiable. He hoped and trusted that gentlemen were not inclined to adopt every rash measure which might be proposed to them, merely because the person suggesting it, took upon him to assert, that it was what the people desired, but that they would join with him in giving a direct negative to the second reading of the Bill then on their table.

Lord *John Cavendish* said he could not agree with the learned lord, either that it was such a Bill as he had described, or that it was such a Bill as ought to be negatived. It struck him in a very different point of view. It struck him as a salutary step towards that reformation, that endeavour to diminish the enormous influence of the crown, which the people in their petitions universally complained of, and which that House, by a solemn resolution, had pronounced to be increased to such a degree, that it ought to be diminished. He declared there was not a man living who held the franchises of the people more sacred than he did, nor who would be more scrupulous to touch them, but this Bill did no such thing. It only held out an option to the revenue officer, either to quit his office, or to agree that this right of voting should be suspended during the time that he held his employ; and so far was this from being a hardship to that description of men, he would take upon him to assert, that it would be a great kindness to them, and the very best boon that House could possibly give them. The learned lord talked a great deal of the value of the franchises of the officers of the revenue; did not the learned lord know, did not every man who heard him know, that, in truth, the revenue officers had no franchise, and that it was absolutely impossible for them to give their votes freely and to the candidate whom they in their consciences approved, without endangering the loss of their places? The present Bill, therefore, instead of doing them an injury, would do them an essential service. It would give them security in their offices. It would make them easy, it would make them happy; it would, at the same time, tend materially to render that House independent, and by demolishing the undue influence of the crown without doors, add to the freedom of parliament, and answer, as far as it went, one great end of the petitions of

the people, to which they were bound to pay attention. He, for these reasons, approved most heartily of the Bill, and returned his sincere thanks to the hon. member who brought it in.

The Bill was read a second time. On the motion that it be committed,

Lord *Nugent* rose to oppose the Bill, and declared he was free to confess that it would affect his constituents if it passed. That, however, was not the ground on which he opposed it, nor was it any consideration with him in any case, where the good of the people at large was the aim of any measure which came into debate. He opposed it, he declared to God, for no other purpose, than because he thought the principle of it such, as no man, who regarded the franchises of the people as highly as he did, and as every man who loved the British constitution must do, could approve. What, take away the franchises of a large body of men for no reason but because they are revenue officers? Was there any thing criminal in serving their country, and in maintaining their families by the produce of that service? Surely no reasonable man would consent to such an unconstitutional proposition! The noble lord had said that the Bill gave them an option: it certainly did, but what sort of an option? The very option which the learned lord had so well described, a choice of consenting to be disfranchised, or of—starving. Nothing short of that. He had already said, that many of his constituents were revenue officers. They were so. He had confessed it; but that was not the ground on which he opposed the Bill. He was perfectly safe at St. Mawes; if he quarrelled with the noble lord to-morrow, he defied him, with all the revenue officers, to injure his election, and he would tell the House why. Five-sixths of the borough was his own property; his constituents were his tenants, and he was sure of his election. He had no motive, therefore, but his conviction that the Bill was a bad Bill, to induce him to oppose it. Let gentlemen recollect how many years the franchises of the electors of Great Britain stood upon their present footing, ever since the 8th of Hen. 6. He was sure he was right in his assertion as to the date, because Mr. Sheridan had lately told the public so, in those Resolutions of the Westminster committee drawn up and signed by him when he was in the chair. Ought not gentlemen, therefore, to consider a little what they were doing? To recollect

the reverence in which their ancestors had held the franchises of the people, by not making any law affecting them since that which passed in the reign of Henry 6, and which then disfranchised a great part of the people. Besides, why had not a revenue officer, if he was a freeholder of 40s. a year, as good a right to hold his franchise, which perhaps was his birthright, as any one gentleman in that House?—The noble lord had said that revenue officers would have their choice either to give up their place or their franchise. Was there a man in England so base minded as not to feel it the pride of his heart, that he lived in a country, perhaps the only country in the world in which every man had a right, as he could not act for himself in parliament, to give his vote for the person he chose to represent him in parliament? So that he virtually was bound by laws of his own making, and to which, by his representative, he had given his consent. Then why stifle that pride, that honest pride? Why degrade Englishmen and deprive them of their most glorious right? What—do it merely because they were revenue officers—absurd and unjust!—Oh, but perhaps he should be called, ‘the old rat of the constitution,’ for holding this doctrine. The noble lord who had pleased to bestow that title upon him, was always inclined to take the greatest liberties with his best friends, and those who really wished him sincerely well. Perhaps the noble lord thought they would be the last to be offended with him. He did assure the noble lord he was not offended. There was no harm in the appellation; it was a stroke of innocent humour. He had been puzzled, however, to discover through what chink of the noble lord’s skull the old rat had crept into his head, and he had been puzzled to find out why he was called the old rat of the constitution. He saw in the newspaper which he had read that morning, there was a paragraph upon it, and the news writer was also puzzled how to account for the title. He had endeavoured to discover what property of a rat belonged to him. Did the noble think he was one of those who would run away from the constitution when it was in danger, as a rat would run away from a falling house? He did assure the noble lord he would not. As long as his friendly limbs would enable him, and friendly he had a right to call them, for they had borne him for nearly seventy-one years, he would stand up and support it. Support it to the last hour of

his life, let who would endeavour to pull it down and undermine it, under pretence of necessary alteration; better would it be to be buried under the ruins of the constitution, than to survive it. He would go still farther; the noble lord in the blue ribbon should have his support, because he was convinced from long experience, that the noble lord wished well to his country and had a true love for the constitution. The noble lord would sooner die than suffer it to be impaired. He liked the noble lord for it. He had voted with him in the time of his prosperity, he would vote for him now. Having thus disavowed one of the qualities of a rat, he would tell the House which of the qualities of that animal he admired, and he bid the other side of the House beware and copy them. A rat was sometimes intent on acquiring good things. It thought it had a right to visit the bread-room and the cook’s cabin. It would go there, but it always cautiously avoided gnawing through the sides of the vessel; it never made a hole which would endanger the ship. Let the gentlemen in opposition hold this in their minds; let them, if they thought they had a right to force their way into the bread-room, go there and get their share of the good things; but let them take care how they forced out a plank of the ship’s side, let them take care that in their zeal for alteration, they did not sink the vessel. He said the noble lord who had called him an old rat, had something of a rat in his own constitution, he liked good things; he remembered when the noble lord was some years ago on a visit at his house, he was fond of going into the cook’s pantry and the dairy. Indeed he must tell the House he had at that time a remarkable pretty dairy-maid. [A roar of some minutes throughout the House]. After more laughable matter, his lordship recurred to serious argument, and contended strenuously against the Bill.

Lord George Gordon rose and said, that as to the noble lord’s dairy-maid he did not recollect any thing about her; but if the fact was as the noble lord had stated, it was a proof that he was fond of good things and pretty girls at a very early age, for he was but between six and seven years old when he was on a visit at the noble lord’s house. He declared, as soon as he grew to years of maturity, and became acquainted with public affairs, he had broken off all manner of connection with the noble lord. The noble lord might be, and

he believed was, a very worthy character in private life, a good-natured, humorous, social man. But his public conduct and political principles were not at all to his liking, he had not therefore wantonly or in sport bestowed the appellation on him; but he had spoken from his heart, and called him what he really thought he was, when he had termed him one of the old rats of the constitution.

Mr. *Turner* warmly reprehended all such ribaldry and nonsense, calculated merely to create a laugh, and to answer no good purpose. He said he was a serious man, and had not the talent by strokes of wit and humour, to excite merriment, and if he had, he would not attempt it; the times were serious, and it was no hour for laughter. The noble lord had boasted, that he was sure of his election at St. Mawes, because the borough was his own property;—then who were his constituents? *Cujum pecus?* The noble lord had no constituents, he represented himself, and nobody else; his argument, therefore, went for nothing. Mr. *Turner* contended that the House was bound to pass the Bill; they must do it; the people of England had petitioned for it, and who would gainsay the people of England? They would have their way, they had a right to it, for the constitution of this country was a republic. He repeated it, he said, in the face of all the crown lawyers, and let them make the most of it—a republic, and one of the finest in the world! He had held this language to the people in Westminster-hall, and he would hold it every where. Where the monarch was limited by the same laws that governed the subject, it certainly was a republic and nothing else.

General *Conway* was decidedly in favour of the Bill, as a measure perfectly agreeable to the petitions, and as a necessary consequence to the resolution which the House had come to.

Sir *Thomas Clavering* did not believe that any such influence as was supposed to be exerted over revenue officers by ministers, was exerted; and as a proof of it, he informed the House, that a few days ago he had received a letter from an elector of a certain borough, who was a revenue officer; he had never seen the man but once in his life, and when he read the letter, with difficulty recollected the man's name and hand-writing. In the letter the elector wrote him word, that he had formerly done him a piece of service, while

acting as a magistrate where he resided, that now the elector was a voter for such a place, specifying where, and if he would let him know which of his friends he wished him to serve, he would give him his vote at the next election. This sir *Thomas* said was the sort of influence that prevailed, not the influence of the crown; and would gentlemen destroy the influence of gratitude for past favours? He mentioned also an election contest which he once had, and declared that so far from having any cause to dread the influence of the crown over revenue officers, he would gladly have rested his election upon them alone.

Mr. *Powys* wondered that the hon. baronet, who had just spoken, who was one of the majority of 233, who voted the resolution of Thursday last, should so soon fly off from the conduct which that vote bound gentlemen who were for it, to observe. He desired the Resolution might be read. The clerk having read it, the hon. gentleman rose again, and endeavoured to lay it down as a maxim, that every member of the 233 who voted for the resolution which had been just read, stood pledged to the people to comply with the prayers of their petitions, and to support such measures as should be proposed for diminishing the influence which they had decided to be increased, increasing, and that it ought to be diminished. It was impossible to effect that purpose, if some steps were not taken to purge the electors, as well as the elected, to diminish the influence without doors, as well as the influence within. His learned friend's two propositions of Monday last, he stated to be the means that tended to diminish the influence over the elected, and the present Bill would have the same effect upon the electors.

Sir *T. Clavering* said he undoubtedly was one of the 233, and so far from being ashamed of it, it was his boast and pride, but he could not subscribe to the idea, that having by that vote asserted a general proposition, that therefore he was bound to support every measure that should be proposed, with a view to diminish the influence of the crown, whether the measure so proposed appeared to him to be wise or not. He had already stated that he had opposed the former bill of Mr. *Dowdeswell*, and he would tell the hon. gentleman who spoke last, one great ground of objection to the present Bill, which struck him, and that was, the very ground on which the hon.

gentleman had rested his argument, to prove that he ought to support the Bill, namely, because it went to attack the rights of electors. He had no objection to purge that House of the influence of the crown as much as possible; but he did not feel that he had any right to disfranchise a large body of the electors, without a cause sufficiently strong to warrant such a violent step, being first shewn. An Englishman's franchise was his best privilege, and he should never be willing to meddle with it.

Mr. *Rolle* asserted that the revenue officers were under the influence of the crown, which was often exerted against independent gentlemen in a very violent manner. In order to support this assertion, he instanced a case in which his father had been greatly injured by it. His father, he said, had served a certain borough in Devonshire for two parliaments, and his grandfather before him. When his father came to stand at the third election, he found a court candidate sent down to oppose him, and in consequence of the great exertion of the influence of the crown against him, he lost his election: the court candidate carrying it merely by the majority occasioned by the great number of revenue officers, who had, by mandate from the minister, been forced to vote against him.

The *Solicitor General* thought the Bill a violent attack on the constitutional rights of the subject, an attempt to disfranchise a large description of electors, without any reason whatever. Gentlemen had said, it would be a boon to the revenue officers? Where was the proof of that assertion? Had the officers of the revenue asked any such favour of the House? Where were their petitions stating that they wished to have such a boon granted them? He did expect, before gentlemen went so far as to make such assertions, that they would in common decency have endeavoured to support them by proof of some sort.

Mr. *T. Townshend* said the influence of the crown over revenue officers was notorious: there was not a gentleman who had ever had a contested election at a sea-port town that had not felt the effects of it. He mentioned the mandates of the minister at election times to those officers as much more cruel and unjust than the purport of the Bill, which he contended was a boon to the description of men in question. He reminded lord Beauchamp of a transaction relative to the borough of Or-

ford, in order to convince him that the influence of the crown over boroughs did exist, asserting at the same time, that the Treasury had disfranchised that borough merely to oblige a particular family in whose hands it now was. And as a farther proof of the crown using its influence in boroughs, where the election was almost wholly carried by the votes of revenue officers, he mentioned the frequent change of the seats of the members who represented the cinque ports, instancing the Secretary at War, who in the last parliament had represented Harwich, had then skipped away to Hastings, and he supposed at the next election would travel still further, declaring that it was a rule with the crown never to let a natural interest arise between the representative of one of their boroughs and the represented, but to move the member by the time his constituents became acquainted with him.

Sir *Adam Fergusson* said, he had examined the Bill very carefully, and had endeavoured to see if he could trace in it one idea constitutionally founded, but that his search was in vain. He reprobated the doctrine, that those who voted for the resolution of Thursday last, stood pledged to the people to vote for this Bill, as neither liberal nor just. He was convinced if the crown had the influence over the officers of the revenue which had been asserted, it was rarely if ever exerted, otherwise in the course of the debate some glaring instances of it would have been stated.

Sir *Matthew White Ridley* said, he had stood a contested election for Newcastle, in and near which there certainly were a great number of revenue officers, who were voters, but that he had not perceived any marks of that influence which had been so much talked of. He was one of the 233 majority, but he did not hold himself bound by his vote of Thursday last to vote for the present Bill, or any other which he should not approve. With regard to the Bill, it appeared to him highly objectionable. There was other influence besides the influence the Bill affected to diminish. The influence of the crown was more exerted in the dock-yards of Hampshire, than over the revenue officers. He said he had lately been at the launching of a 74 gun ship, and on asking who was to command her, he had been told the mayor of Huntingdon, who was to have gone out with sir George Rodney, but kept at home to have the new ship.

This sort of influence appeared to him a much fitter object for parliamentary diminution, than the influence the present Bill was designed to correct.

Lord *Hinchinbroke* said the hon. gentleman a little mistook the matter; the captain appointed to the command of that ship was not the mayor of Huntingdon, he was an alderman of that town, and might have passed the office of mayor, but he was also a very respectable officer, sir Richard Bickerton, who had been too ill to go with sir George Rodney.

Sir *Richard Worsley* declared he had lately stood an election for Southampton, but did not feel that influence among the men in the dock yards, which the hon. baronet had spoken of.

Mr. *Fox* supported the Bill, and answered the various objections that had been made to it. He told sir M. W. Ridley, that he had never been opposed by a court candidate, or he would have felt the weight of that influence the Bill was designed to correct. With regard to the hon. baronet who had lately stood a contest for Southampton, he verily believed he had not felt the influence of the crown sufficiently, that was sufficiently for his purpose; if he had, he most certainly would at that moment have been the representative of the county. He said it did not follow that the influence of the crown did not exist in the county. He had lost his election,—Why? Because the whole county, exasperated at the frequent exercise of that influence, had leagued together to oppose it. This argument he applied also to the declaration made by various speakers, that the majority which carried the question on Thursday last, was a plain proof that the influence complained of did not exist. Mr. *Fox* took up this upon the reverse of the proposition, and said, the numbers that were leagued together to diminish that influence, proved that it did exist, and that to such a degree as to require a great majority to form a league for its destruction. So with the league against Venice. It never had been said that the republic of Venice was weak, because the league against it was formidable. On the contrary, the formidableness of the league was always admitted as an unanswerable proof of the power of the republic. Mr. *Fox* with great ingenuity turned several other arguments of the opposers of the Bill against them.

Lord *North* replied to Mr. *Fox*'s allusion to the league against Venice. He

said the hon. gentleman alluded, he supposed, to the famous league of Cambray, a league formed by the first and most powerful men in Europe, men of the most distinguished abilities, but men who had formed their league upon wilful misrepresentations, and the apprehensions unjustly raised in the minds of the people. The powers who made the league were the king of Arragon, the Emperor, the king of France, and the Pope. Their object was the obtainment of the possessions of the republic of Venice. Their league ended in a division of the spoil. One power took possession of one port, a second of another, a third of another, and a fourth of another: till after seizing the various ports of the republic [Mr. *Fox* called out the cinque ports of Venice!] the cinque ports, if gentlemen choose it, they fell out among themselves, and the bad principles of their league, their own mercenary and interested motives came out, and they met with that universal contempt and detestation which such men, and all who form such leagues, well deserve. His lordship followed this with arguments, that the Bill was unconstitutional, violent, and unjust. He rallied opposition on their conduct since they had been a majority, and imputed all their haste, violence, and error, to their being unacquainted with the manner in which the majorities of that House were used to act. He repeatedly threw out, that he had reason to think from the hon. gentleman's speech, that he should that evening have the honour to be in a majority again.

The House divided on the question that the Bill be committed:

Tellers.

YEAS { Mr. Crewe - - - - - } 195
 { Mr. Thomas Townshend }

NOES { Mr. De Grey - - - - - } 224
 { Mr. Robinson - - - - - }

The Bill was consequently lost.

Debate in the Lords on the Contractors' Bill.] April 14. The Duke of Bolton moved the second reading of the Bill "for restraining any Person, being a Member of the House of Commons, from being concerned himself, or any Person in trust for him, in any Contract made by the Commissioners of his Majesty's Treasury, the Commissioners of the Navy, the Board of Ordnance, or by any other Person or Persons for the Public Service, unless the said Contract shall be made at a public Bidding." His grace said a few words in support of his motion, which was accord-

ingly agreed to. He then moved that the said Bill be committed.

Lord *Stormont* rose to oppose the motion. He had ever been accustomed to think that imputations were not to be thrown upon bodies and descriptions of men without proof. The principle of the Bill was erroneous, because it went to disfranchise a body of men, and deprive them of the most valuable object of ambition, that of representing their fellow-citizens in the parliament of a free country, without any charge being adduced against them. It was a measure no less cruel than unjust; and there was no precedent to be found upon the Journals, unless in the time of the Long Parliament, who excluded tax-gatherers from the lower House. He did not wish to make the conduct of that parliament a rule for the present day; but the exclusion of tax-gatherers was certainly a measure more justifiable than the present; for they were in general needy men, and consequently more liable to corruption. But would parliament wish to exclude merchants of great property, merely because they happened to be engaged, fairly and openly, with government? For unless proof was brought to the contrary, their lordships must suppose that the contracts were fair and beneficial. He said there could be no doubt but that their lordships were clearly intitled to enter freely into the discussion of the Bill; for though it respected a matter of regulation which belonged more immediately to the other House, yet it having been permitted to pass there could be no argument with their lordships to agree, without investigation, to its principle. The other House, from motives of delicacy, might leave it to their lordships to decide on the propriety of contractors retaining their seats. He said it would be unjust to deprive men of their right without proving that they had abused it. It would be throwing a cruel stigma on a body of respectable men; and he hoped their lordships would never give into the popular prejudice, that because men enjoyed places of emolument under government, they were not left at liberty to act agreeably to their own consciences.—Beside all this, the Bill was most ineligible with respect to its public tendency. Contracts could not be made open on many occasions. The contract for a secret expedition must be made in secret: the contract for a sudden expedition must not be made with a previous

notice of 20 days. Besides, at a public bidding, a very improper man might offer to contract at the lowest price. There were other objections of great weight; for instance, a man might be secretly employed by the enemy to thwart the public service; and therefore it would be improper to run such a hazard by rendering them open. As the laws had very properly provided a punishment against the public as well as the private delinquent, parliament ought to permit that course to be taken, and not to lay a general stigma on a number of men, without having any proof before them of their guilt. They had none. The rum contract had been much spoken about: but their lordships knew nothing of the circumstances; if there was any thing improper in it, the law would interfere, and punishment would follow conviction.

The Earl of *Coventry* defended the Bill as a very necessary step towards executing the wishes of the people. It was, he said, a very serious matter for their lordships to oppose a Bill which respected the independence of the House of Commons, and which had passed unanimously in that House. It might, in fact, create a quarrel between them; for it was a very delicate point for their lordships to interfere, and defeat the ardent wishes of the other House, in a matter relating to their own honour, freedom, and independence. But it was not only the unanimous wish of the House of Commons; it was the wish of the people of England, and he begged their lordships to reflect that this was the first of all the Bills that had reached their House, and their decision upon it would be a test of their treatment of the whole. All the petitions of the people tended to this point; and it would produce the most alarming consequences if rejected. He begged to press this consideration home fairly to their lordships' breasts; whether as the Bill had passed the other House, *nem. con.* it would be decent or prudent for their lordships to reject it entirely upon this principle. He therefore earnestly exhorted their lordships to send the Bill to a committee.

The Earl of *Hillsborough* said, that the time was now come, when the consequence of the House of Lords would be fully apparent—its use, and its necessary influence in the constitution. It was their duty, when the prerogative of the crown was extended to improper bounds, to connect themselves with the people; and again,

when the people were warmed either by enthusiasm or error into madness, when they were mad from virtue, and were bent on reforming and amending the constitution on erroneous principles, which he conceived now to be the case, it was their duty to check and resist that delirium of virtue, that rage and tempest of liberty, and bring them back to coolness and sobriety. He objected to the Bill on the following grounds. Its principle, he said, was fallacious, and he wished to consider it in four principal points of view: its object, its utility, its propriety, and its justice. Its object was the independence of parliament, and diminishing the influence of the crown. Did the late conduct of the House of Commons give any proof of their dependence and corruption? The very circumstance of the Bill having come into that House was a proof to the contrary, its object was therefore improper, for the House of Commons was already independent, and the crown had no apparent influence founded on corruption.—The point of utility here to be effected was that of preventing contractors from sitting in the House of Commons. The idea was absurd; the attempt was impracticable. What could be easier defeated than this preventive provision? If the minister meant to corrupt, was not the prohibition easily set aside? Though a member of parliament could not contract in his own name, could not he soon get a person to do it for him, and when the tenders came to be examined, would it not still be in the power of the minister, supposing him to be corrupt, to select a favourite contractor, and afterwards manage matters so as to reimburse the person who made the lowest offer? On the other hand, as he was persuaded that there were no unfair or underhand dealings between the minister and contractors enjoying seats in the other House, in his opinion there could no possible advantage be derived from a law framed upon the principle of the present Bill.—As to its propriety, it was certainly improper, for it went to lay contracts open, and expose the services for which they were intended to the enemy. Twenty days notice was to be given, when perhaps the service was instantaneous; and it was to be made at a public bidding, which was a new and an unheard of manner: improper persons would be intitled to the preference, and the public service would suffer, as well perhaps as the public treasury, by their

employment. As to its justice, it was in this instance the most objectionable; because it was founded in the height of injustice: for could any thing be more so, than to stamp infamy and disgrace on men, merely because they were thought worthy to serve government.—Could their lordships imagine that men of the first families and fortune in the country could be so blind to the true interests of their families, and so insensible of character, as to prefer the paltry consideration of a temporary emolument to the welfare of their country? This Bill was not only directed to the hearts of their lordships, but also to their heads. Admit the principle, that men may be worked round by interest to prefer themselves to their country, then all descriptions of men that hold places under government would be equally ineligible. And would their lordships say, or could they suppose, that any man, possessed of large landed property, could be so ignorant and silly, so base and mercenary, as to be seduced by the sum of two or three thousand pounds a year, to abandon the interests of his country, and give up his judgment and his feelings, to be guided by a minister? It was ridiculous to fancy that such weakness and absurdity could exist in the breast of any man. It was immaterial to him, whether contractors in general voted with the administration or the opposition. There was no prejudice could arise in his mind on that account, nor could any imputation be thrown upon them. Men who voted uniformly against the administration, because they had not places, might be said to vote as corruptly as those who had voted constantly for them, because they had places. The argument was equally just, and the imputation equally illiberal, on both sides. Proof must always be produced of corruption, before it could be just to censure or condemn; and in the present instance, without any evidence before them, their lordships could not accept of the Bill. His lordship contended that the Bill was totally inadequate to the objects it was avowedly framed to reach. It was loose, indefinite, and in some measure incongruous, because it unbound the hands of the government in one instance, while it restrained them in another. All contracts were to be made at a public bidding, and yet the Bill vested a discretionary power in the minister to dispense with this rule upon particular occasions. He had always observed, that restrictions

on the passions and vices of mankind, instead of diminishing, increased them. It was impossible to rein them in, and that it was so, appeared from the innumerable restraints that had been laid on the vice of gaming—a vice that had contributed more to corruption than all the others put together. The Acts against it were innumerable; and yet it had increased in proportion to the resistance it had received, and had convinced him that it was as impossible to bridle the vices and the passions of mankind by regulation, as it was by hedging in the ocean to prevent its turbulence.—His lordship concluded with observing, that the present times unfortunately exhibited nothing but an innovating spirit of alteration and ideal perfection, internal commotion, causeless discontents, turbulence and dissention. The people were run mad about public virtue; this, therefore, was the moment in which it was their lordships' special duty to interfere, and check the encroachments of the people, upon the just, acknowledged, and constitutional prerogatives of the crown; and so far from its being true, that the Bill was a measure consonant to the voice of the people, as expressed in their petitions, it was at once a mockery of those petitions, and a direct insult put upon the understandings of the petitioners.

The Duke of Grafton defended the principle of the Bill, as well as its propriety at the present moment. It had passed the other House with unanimity, whose privileges it would particularly affect. What would be the consequence of rejecting it? Perhaps a rupture between the two Houses; and as the purpose of the Bill was to exclude a certain description of men, the Commons would perhaps act as they had done on a former occasion, and exclude them by their own resolution. He meant on the affair of the Middlesex election. He remembered upon that occasion a very great authority (lord Mansfield) took upon him to say, "that there was no appeal from the decision of the House, and that no other branch of the legislature could check or alter the resolution." So that, right or wrong, their decision would be final. But he was indeed surprised, after what he had heard in the course of the present session, to see the conduct of this day. When a motion of œconomy, on a former day, had been introduced by a noble peer, it was objected to, because the House of Commons might be offended at the House

of Lords taking up a duty that belonged to them. Now, when a Bill was sent up from that House, which originated there, and which passed unanimously, the same noble lord objected to its being received. He warned their lordships of the danger of rejecting the present Bill. It was impossible to say to what lengths the resentments of the people might not proceed.—He took notice of the assertion, that there was no proof. This, he said, had been the standing argument for the last two years, and had been used upon every occasion; though the matter before their lordships might be of universal notoriety, yet still proof was required. The evidence of personal feeling and conviction was not sufficient, and yet when evidence was at their lordships' bar, the fact was very different. When governor Penn gave evidence at the bar, noble lords, many of whom he had then in his eye, contended that the House was not to be misled by evidence *ex parte*, though, as had been foretold at the time, the nation was hurried into the fatal conflict that brought us to what we were. He said that this Bill did not go to make all contracts open.—He trusted their lordships had much too lively a sense of what they owed to their own dignity, to consent to become the engine of the minister on the present occasion, and to do for him what in another place he dared not attempt to do himself. The people of England had petitioned the House of Commons, complained of the increased influence of the crown, and recommended œconomy in the expenditure of the public money. The House of Commons had voted that the influence of the crown had increased, and that it ought to be diminished. The House of Commons had also voted that it was their duty to comply with the petitions of the people, and provide an immediate and effectual redress. The present Bill had passed the House of Commons unanimously, and it behoved their lordships, unless they meant lay the to foundation of perhaps a fatal misunderstanding, and create an incurable difference between both Houses, to pass the Bill into a law.—His grace then went into a detailed view of contracts, and their operations and effects upon persons enjoying them who had seats in the other House, applying in direct and pointed terms the shameful, and, he feared, corrupt manner that great national trust was carried on at present, by which contractors were put in possession of enormous sums

belonging to the public, and the national purse emptied, in order to secure the dead votes of a few unprincipled, avaricious, and, he might add, voracious and insatiable individuals. His grace concluded with affirming, that when he had the honour to preside at the Treasury board, contracts were made in a very different manner, and at infinitely less expence.

Earl *Bathurst* opposed the Bill. He said, that men of the strictest honour might, without the least imputation on their integrity, contract with government, and thence inferred that the present Bill tended to throw a slur upon all who should in future do that which was extremely honourable and fair in itself. If the influence of the crown did exist to the extent that had been stated, the present Bill would have no effect towards diminishing it, because if the contracts were taken away from members of parliament, they might nevertheless be given to the relations or friends of members, so that the same degree of influence would be exerted, and in a worse manner from its indirectness, than it was at present. His lordship endeavoured to shew the necessity of the ministers contracting with men of high character; if they did not, the public would be imposed on, the contracts not fulfilled, and the end of them defeated, to the great injury of the public service. He observed, that none but men of property and character were at all fitted for such a trust. The pledges of fortune and character held out a security to the state for a faithful discharge of whatever was undertaken to be executed; and nothing could be more clearly established than the necessity of employing men of such a description. For instance: in the case of Mr. Alderman Harley. The nature of the engagements that gentleman had entered into with government required two things; it obliged government at some times to make large advances; at others to overdraw or call upon the contractors to make advances. Taking it, then, in either light, how did the case stand? It was found convenient at one time to invest large sums, he believed in one instance to the amount of 700,000*l.* in the hands of Mr. Harley; and again, very probably, to overdraw upon him. Opulence and the first character could only entitle a man to answer sudden and extraordinary demands, or give him any pretension to fill such a situation with convenience to himself or the state.

The Duke of *Grafton* declared, that during the time of his presiding at the Treasury board, great care was taken that proper security should be given by the contractors for their due compliance with the conditions of each respective contract, so that the public were as well served as if members of parliament were the contractors.

The Earl of *Derby* defended the Bill, and said he was astonished to hear it called a mockery of their petitions, rather than a measure adopted in consequence of them. No one noble lord had said, that if the Bill passed it would do any harm; why, then, in God's name, would not the House pass it? The object of it clearly was to diminish that influence of the crown, which the Commons had voted to have increased, to be increasing, and to require diminution. It had passed the House of Commons unanimously, and as it concerned a right which belonged solely to the other House, it would in all probability create a difference between the two Houses, if their lordships should reject it.

The Earl of *Shelburne* complimented the noble lords who sat on his side of the House, for having so ably defended a Bill which was attempted in the most unjust manner to be thrown out. He said the increased influence of the crown was notorious. It was to be seen every where. Did not every man know to what an immense degree the army and navy were increased? From them alone sprung one great opportunity of its increase. It had been contended that their lordships ought not to be jealous of it; luckily, he had no occasion to consult his private reading, or his private expenditure, to prove to their lordships that they ought to be jealous of it; the constitution itself suggested it as the duty of both Houses of Parliament to be at all times jealous of the powers of the crown, to watch them with the utmost care and attention, and to guard against their encroaching on the rights and liberties of the people. The Bill then under their consideration was a mild measure; it was not for that reason surely objectionable. It tended to check the influence of the crown in a small particular, but every thing must have a beginning, and the Bill before them was directly grounded upon the petitions, and fell within the meaning of both their objects, a wish to have the influence of the crown reduced, and a recommendation of œconomy. Did their lordships consider what a mine of

corruption government contracts were? Did they reflect in how many ways they contributed to extend the influence of the crown, and to waste the public treasure? Let them look a little at the picture of a contractor. View him going down into the country, disturbing and interfering with gentlemen in the boroughs with which they had been long acquainted, and which they had long represented, see him introducing all manner of vice, extravagance, and folly, to persuade the boroughs to return him to parliament; mark his success, the injury done to the private gentleman, who no longer represents those with whom he has lived on the most intimate terms of connexion and friendship, and see him sent up by the deluded borough to parliament. Trace the contractor still further. What does he do when he first gets into the House? He calls for papers, he complains of the want of œconomy, of the lavish mode of making contracts, and declares how much cheaper the public business might be done. He teizes, he perplexes, he worries the minister, who at last buys him off at any price. View him then making his contract with an ignorant and indolent minister. See how cunningly he advantages himself of the minister's great love of ease, of his great want of knowledge. He makes a contract for rum, and by and by it comes out that the minister did not know the difference between currency and sterling. The public are defrauded to a vast amount, and the contractor wallows in wealth. The end of a parliament approaches, and he determines to push his advantage. He sees the minister hard run, and he goes to him again, and demands a fresh contract. The minister, sore with having been severely attacked the night before, tells him he will make no new contract with him, how much he has been abused on his account, that his life is rendered intolerable, that he can't endure it. He goes away, but returns at a fit opportunity; the minister determines to be more cautious, and to regulate the matter with him. He proposes lower terms. The artful contractor affects to give way with reluctance, he meets the minister's terms. The minister ties him down to take the victualling office price [alluding to lord North's rum contract with Mr. Atkinson], the bargain is struck, and the contract signed. It turns out a second bubble. The minister was not aware that the victualling-office price was not a contract for rum merely, but for

a variety of articles together, and then the minister tells parliament he was not bound to know that the victualling-office contract was a mixed contract. What are all contracts as they are now managed? A wine merchant (Mr. Alderman Harley) contracts to send clothing to the army; he contracts to send Portugal coin to America; he tells you himself that he does not send Portugal gold but British guineas, and that the title of his contract, as specified by an official account to parliament, is not a right description of it. Perhaps this may be termed a libel. Gentlemen had now imbibed new notions of parliamentary language, and were ready to take offence at what carried no offence in it. He, however, would not be deterred from giving his sentiments on public topics freely in that House. He was no libeller, no more inclined to be a libeller than Messrs. Harley and Drummond. But to return to the description of contracts. The chairman and deputy chairman of the East India Company had contracts for matters to be delivered in America, and every man who was a contractor contracted for such articles as he knew nothing about, and which he was a most unfit man to contract for.

As far back as Edw. 3, a fixed jealousy of the dangerous influence of the crown began to take root, and had continued to exist, growing or diminishing, according to time, circumstance, and occasion. But lately, that was since the Revolution, it had been manifest in many instances, and parliament had not been so nice in their feelings, so careful of giving offence, and so extremely fearful of stigmatizing the characters of public men, as they were now a-days. The commissioners of the customs and excise had been excluded from sitting in parliament; and was that considered as a reproach upon them? Undoubtedly not. It was considered as a very necessary regulation, and when they accepted of the offices, they knew the condition, and acquiesced in it. The argument which the noble lord had urged would answer for every future Bill that might be introduced, to answer the purpose of which this was only a beginning; for if men were supposed to be above the temptations of emolument and above corruption; if men's minds, as their lordships said, could not be influenced by interested motives, then all the bills that were likely to come before them would be excluded on the same ground.

A noble earl had said, that men would argue with themselves: "What, shall I be base enough for the paltry consideration of a little dirty emolument, to give up the interest of my country for my own? shall I be so careless of my character, so indolent of posterity, so blind to my true and permanent interest, as to give up the use of my judgment, to give up my honesty, my freedom, and my independence, for the poor insignificant compensation of a few thousands a year?" For his own part, he sincerely believed, and he did not think that he was guilty of illiberality in the opinion, that a contractor would argue in a very different manner. Would he not rather say, "What, shall I be silly enough to give up my own interest, and the interest of my family and posterity for the empty and nonsensical motives of public spirit, honour, and integrity? Shall I vote for the conclusion of the present war when I am making my fortune by its continuance? My vote, were I so inclined, cannot do any great good. I could not gain the question for my country. Why, then, should I be so inattentive to myself as to overlook the present opportunity?" He conceived that this was more likely to be the soliloquy of a contractor. He particularly adverted to the gold contract, and stated it to be both iniquitous and useless. The profits of it were immense, and the possessor of it had not only the exchange in his own hands, and regulated the rate on all remittances to and from America, but sent out the guineas of Britain instead of the gold of Portugal, and by that means defeated the very object of the contract, and all the expence of the coinage was lost to the country. He spoke also with great detestation of the infamous plan which had been contrived to create a monopoly of the corn in Canada, and urged the necessity of agreeing to the Bill, as a test of what would be done to execute the wishes of the people. He spoke of the increasing influence of the crown, and said, that there were very prudent and wise reasons for permitting the officers of the army and navy to sit in parliament.

He said, he did not blame any man for trying to get the most from government for his contracts. He had a right to do the best for himself, and the more he got, the better he discharged his duty to his family. It was the minister he blamed for making unwise contracts, not those with whom they were made. Contracts were

indisputably a great temptation, and therefore he wished to put them out of the way of members of parliament. For, notwithstanding the declaration of the noble lord, that men of honour were superior to all influence from contracts, human nature spoke a different language. While the argument stood thus, could it be expected that members of parliament had virtue enough to resist such a temptation; or, that having contracts, they were so deficient in gratitude as to derive great emoluments from their connection with the minister, and not to vote for his measures; if they were so extraordinarily firm, and could reconcile such conduct to their consciences, did any one lord that heard him, imagine the minister would suffer it, and let a future contract be given inimical to his interest? Besides, consider for a moment the immense profits to be gained by a single contract. Twenty, thirty, fifty, one hundred thousand pounds! aye, that sum doubled, and even trebled! Let noble lords recollect the present contract for sending gold to America,—the contract, fictitiously laid before the House of Commons, and contradicted as to its specification by the contractor himself in that very House! Had not the contractors, at their own motion, sunk their profits from $2\frac{1}{2}$ to $1\frac{1}{2}$ per cent.? If they would part with so large a portion of their commission voluntarily, what an immense advantage must they not derive? Perhaps it might be urged that the contract, from the nature of it, must necessarily be given to men of responsibility and character. Good God, were there no merchants in the city, no monied men, no men of high reputation, who would accept of contracts, and discharge the duties of them with rigid observance, but members of parliament? Last war the contracts were not in parliament, and yet the army was as well served then as it was now. Add to this, the whole commission of the gold contractor might be saved, if the mode of making it with the Bank, which he had suggested to their lordships, were adopted. Why, then, was the public to pay Messrs. Harley and Drummond enormously for a service which might be done as well at no expence?

His lordship next went into a general consideration of the political complexion of the times, which he described as alarming to the last degree; the House of Commons divided and torn to pieces by intestine disunion, neither side of the House

firm in itself, or fixed to any one point whatever; without doors, the people clamorous for redress of grievances, ripe for any violence, and easy to be led to such measures as would shake the kingdom to its centre, but at the same time proceeding decently, temperately, and constitutionally; applying to parliament, and putting it upon them to do them justice, and grant them redress. Petitioning in terms of the greatest moderation, upon matters of complaint so strong in themselves, that they needed not the enforcement of powerful language; reprobating that worst of all political evils, the increased influence of the crown, and earnestly pressing for its diminution, recommending, at the same time, a reform in the public expenditure, and advising economy. And all this, when we were engaged in a war of the most tremendous nature; without a navy equal to the contest; perhaps, at this moment, without an army; with 21 ships in the West Indies, against 26 of the enemy, and most of our ships old, and requiring repair; while theirs were all fresh, just come out of dock, and every way fit for service; without a friend to assist us, without a single ally! He had, from his wishes that it might be true, been inclined to believe the report so confidentially circulated, that Russia had sent us some ships, and had flattered himself that amidst the mass of neglect and error imputed to ministers, they had secured one friend in Europe; but, good God! what was the true state of the case? Russia had published a Manifesto, which he had read with the most serious concern. Did that look like the preliminary of an alliance?—just the contrary. It was hostile to every maritime power: particularly hostile to Great Britain. How melancholy the change of affairs in Europe! Russia, scarcely known to have existence as a maritime power thirty years ago, dictating laws of navigation to Great Britain! And yet Russia had been talked of as our good friend, our willing ally! That language had been held while we had been insolently affronting Holland, provoking the States General, who were from old connexion, from situation, from past friendship, the most fit allies of this country! If Russia declared against us, (and if we did not resent the Manifesto we were grown tame and poor in spirit indeed), Denmark must follow, for Denmark was at the will of Russia, and Sweden, he feared, was but

too ready to throw herself into the arms of France, and act at her direction.

Let their lordships reflect on this, and let them ask themselves if unanimity at home was not a matter devoutly to be wished. The present Bill was a measure adopted by the House of Commons, in compliance with the petitions of the people; he was aware that he was not warranted to say it had passed the other House unanimously, because in the printed votes certain technical words were wanting to the account, in order to convince the reader that it had passed in that manner, but as there had not been a division upon it, it was fair to say it had met with the consent of that House. The Bill was a very moderate measure in itself, though it would tend essentially to check the influence of the crown in one very material instance. The other House had solemnly resolved, that "the influence of the crown had increased, was increasing, and ought to be diminished." The Bill chimed in with that resolution, and it equally chimed in with another resolution of the same House, viz. "that it was the duty of the House to provide, as far as might be, an immediate and effectual redress of the grievances complained of in the petitions." Another consideration in favour of the Bill was, the object of it was such as immediately concerned the Commons; whence they were alone competent to judge of its propriety, its wisdom, and its justice, and by passing the Bill they had clearly decided that it was wise, just, and proper.

His lordship next adverted to what he had said in a former debate, in distinction of the influence from the prerogative of the crown, declaring that he approved the latter to the full as much as he disliked and dreaded the former. He ever had been an advocate for the open, avowed prerogative of the crown, because he regarded it as an essential part of the constitution; a matter which equally contributed to the lustre of his Majesty's government, and to the happiness and prosperity of his subjects. The influence of the crown, on the other hand, working secretly, diffused as it went, poison of the very worst kind. Venom, which while it undermined the liberties of the people, sapped the foundations of the constitution, and could not fail, sooner or later, to ruin both prince and people.

His lordship took notice of some insinuations which had been thrown out by a noble lord (Hillsborough) early in the

debate, against a person or persons who stood forth and supported the popular measures now on foot, and were presumed to have rendered their situation desperate by losses at the gaming table. [Supposed to mean Mr. Fox.] It was a misfortune which was much to be lamented. The manners of the age gave it countenance, and the effects were felt almost in every family. If any particular person was meant, whose talents, love of his country, public virtue, and private character, had felt the mischiefs which too often accompanied a rage for play, not only that person's intimate friends, his family, and his relations, must feel on the occasion, but the public, the people at large, were interested in whatever concerned the personal situation of such a man: for, as his talents, his zeal, his firmness of mind, and his independent spirit, were all employed in their service, he became, in fact, so much public property, in the preservation of which every man in the nation had a common interest. Taking the insinuation, no matter at whom pointed, nor for what purpose, he did not think the charge partook of any thing criminal, though he presumed it was not suggested by way of eulogy or personal approbation. He remembered a time before age and experience had taught him better, when he often risked more than strict prudence would justify; he lost his money, and he felt the inconvenience: that, with several other follies, the concomitants attending an early period of life, had long since ceased to operate, and he was now free to say that it would appear to him a most extraordinary mode of combating his opinions in that House or out of it; a very novel mode of establishing a test of his conduct as a public man; if any noble lord should rise up in his place, and tell him that his arguments were ill founded, and his sincerity ought to be questioned, because in some one part or other of his life, he had staked more at the gaming table than he could afford to lose.

There were, to be sure, persons of that perfect virtue, of that consummate prudence, of that profound wisdom, who reversed the general order of things, who were wise in their juvenile days, who were famed for wisdom, without any lessons drawn from experience, the common source of human knowledge; to such men, he, for one, bowed; they were prodigies of nature; they not only deserved to be venerated, but they were justly entitled to admiration; they were in some measure self-

created beings; or, if not, were so created, as to be evidently formed by Providence, and held up by the creative power that formed them, as patterns of excellence and imitation to the rest of mankind; they were wise without experience; they were good without feeling; they were magnanimous without difficulty. Being all perfection themselves, they could not conceive how others could err. Being statesmen by intuition, they were astonished that every man could not see as far as themselves; being superlatively good and virtuous, they never made allowances for the weak and fallible part of their species. When others erred, they thought them wicked; when others disagreed in opinion with them, they were ready to impute it to folly or the worst motives. In short they were a kind of monks, who, out of the way of all possible temptation, never made any allowance for those who were not born saints as well as statesmen.

This was a picture which, he believed, bore a pretty close resemblance to the characters of some modern statesmen: but however well they might be entitled to all the wisdom and virtue to which they pretended, the world notwithstanding would judge as they had always judged; they would not accept of professions, but would decide from appearances or from real actions.

The *Lord Chancellor* said, that the chief argument urged was this, that the Bill, such as it was, was a Bill passed by the other House relative to its own members, and qualifying the terms on which any person should be entitled to a seat there. This argument, when fairly examined, he trusted, would appear to have nothing in it. It most certainly, if taken as a general proposition, was unquestionably true; both Houses had a right, independent of each other, of declaring the terms, and qualifying the conditions of admission into their own bodies. The proposition was, therefore, incontrovertible, when abstractedly considered; but the conclusion drawn, as applicable to the subject matter under discussion, was replete with apparent fallacy. It had been warmly urged; Was not the language which prevailed in that House some years since, in relation to a noted transaction (the *Middlesex election* and *Mr. Wilkes's expulsion*) in the other, by those who spoke against the present Bill, "We have no right to interfere in what the other House may have thought fit to declare to amount

to a disability, or disqualification of any of its own members." He did not undertake to say what the arguments used in that House on that occasion might have been; but he was prepared now to declare his own opinion at the time, which no change of circumstances had since induced him to alter. Nor did it become their lordships' gravity, as far as he was able to form an opinion, to suppose, that they were to be bound by or assent to every proposition which might be agreed to by the Commons implicitly, and without examination or discussion. The noble lords who supported the Bill went that length, else every argument urged by them went for just nothing; for the right of enquiry, deliberation, examination and discussion, he presumed, signified very little, unless the power and right of determination were annexed to it.

The distinction between the cases he had just alluded to was this, in his apprehension: the other House had a right to set out the measure or qualification, respecting its own members. The measure was framed, and was conformable to its own usages; and when any new case arose, neither House was bound by any other rule than discretion. He meant a fair, direct, legal and just discretion, applying the general law of parliament to the particular case before those who were called upon to determine. This, he presumed, was sound parliamentary doctrine, and was as demonstratively true at the instant he was speaking, as ten years since, or at any former period of the constitution. He would not undertake to say, that that was the exact ground which had been taken in the arguments urged against introducing a Bill into that House, respecting the case of the Middlesex election; but this he would say, as a member of that House, if such a Bill had come under his consideration, he should have thought it extremely improper, and dangerous in its nature; and thinking it so, should have deemed it his duty to express his hearty dissent, as improperly interfering in the exercise of the exclusive and peculiar privileges of the other House, and restraining its power over its own members.

But taking the argument either way; allowing that it would or would not be fit or prudent for that House to pass a Bill of the nature now described, how did the general proposition apply in the present instance? In no respect whatever. Here was a Bill which did not in the least relate to the qualification of a seat in the other

House, but came before their lordships in the shape of a proposed law, and for what purpose? To introduce an alteration in the constitution; to diminish the presumed influence of the crown; to prevent corruption, and promote public œconomy. These were the professed objects of the Bill; not that, in his opinion, such an innovation was necessary, nor was the existence of the causes on which the Bill proceeded even attempted to be proved; but more of that hereafter. He was now barely stating his reasons in support of the competency, or rather the duty of that House, to determine the present measure on its own intrinsic merits, free from any idea of acting upon motives of necessity, and being compelled, as it were, to adopt the present Bill, because it passed the other House. The argument then, so shaped as it was, amounted to this, and no more: You cannot reject the present Bill, because it relates to setting out certain qualifications of the other House respecting its own members; but though that had not been the case previous to your own recent opinions and resolutions respecting the Middlesex election, you are tied down by arguments and reasons used and resorted to on that occasion, in which this doctrine was maintained in its fullest extent.

Was that the case here? By no means. There was not a sentence contained in the Bill which did not afford the most full and complete evidence of the contrary. The Bill, in the first place, presumed an existing corrupt influence, and directed the executive power in the exercise of one of the most important powers vested in the crown, that of making war; it went to restrain the ministers of the crown in that very important point, the providing shipping, stores, provisions, &c. in time of war as well as peace, consequently, the measure was not a measure of interior regulation, confined to the members of the other House, and the exercise of its peculiar privileges. It was a clear measure of state, which that House was competent to judge of, without being bound by any opinion which might have prevailed in the other. It concerned the nation at large; it was a matter of public interest and public concern. Their lordships were bound to consider it as such, and solely as such; and the measure so brought forward must stand or fall by its own merits. As one of the branches of the legislature vested with the power of consenting or assenting to laws which related to the whole community, their lordships

would forget the duty they owed to themselves, the regard they owed to the public the protection which was due by them to every thing that related to the preservation of that community, in the welfare and prosperity of which they possessed so large a stake, if they should be prevailed upon by any improper ideas of respect for the other House to adopt the present measure.

This point being clearly established, in his opinion, it let their lordships fairly into the consideration of the Bill, as it presented itself in the shape of a question of state. It was said, though he could not well learn upon what authority, that the Bill had passed the other House unanimously; that it met with no opposition; and that, besides, it was founded in the wishes of the people, and corresponded particularly with the sentiments of the petitioners. All this might be very true, and was worth just so much as it would pass for in their lordships estimation. As to the first recommendation, it might be well founded. He was little acquainted with any thing which it was not his duty to know; and he hoped that those noble lords, who laid particular stress upon this circumstance, would excuse him, if he could not go with them as far as they appeared to wish. For he was always taught to understand, that there were certain technical marks which accompanied Bills that had received the unanimous approbation of either House of Parliament, authenticating the fact. No such authentication had accompanied the present Bill; consequently he should take it as having passed in the ordinary way, in which an opposition had been made, but no division in consequence taken place. The wishes of the petitioners might have great weight with their representatives; but if any thing was meant to be taken on this ground, it went to preclude all discussion in that House; for with all the industry he was master of, he could perceive no middle line that could be struck out or followed. You must adopt this Bill because it passed the other House unanimously; and you are the more bound to do so, because this Bill passed the other House in compliance with the wishes of the people; or you must form your judgment upon the Bill itself. For his part, he was not prepared to adopt the reasons thus urged. He must consequently embrace the other part of the alternative, that of dividing on the measure itself, and not upon the opinions or wishes of others.

The Bill, it was warmly maintained,
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stood supported by the facts stated in the petitions, the reality of which had been declared by certain resolutions come to in the other House. The first was, "that the influence of the crown had increased, was increasing, and ought to be diminished." He did not mean to debate the truth or fallacy of this proposition, in reference to the majority who voted that resolution. They were competent to resolve it; they had resolved it; and in that view he had no observation to make; but when this abstract proposition was stated in argument in that House, not only to have been sufficient ground for the determination of the other House but of this, he hoped it would not be deemed totally foreign to the subject shortly to deliver his own sentiments as a member of another branch of the legislature. The influence of the crown, say the petitioners, and after them their representatives, is increased, &c. Has any proof been given, or offered, in the other House, that the fact so stated exists? Not one. If not, then, what does this declaration amount to? No more than that it is the opinion of the other House, and of a considerable number of their constituents, that the fact so stated is true. Has any proof been offered in this House? Not a tittle. Has any communication been made by the other House to this, of the reasons which induced them to come to the resolution alluded to, in order to supply the deficiency of evidence, which their lordships were, in questions of consequence, entitled to have, either in that manner or at the bar? Nothing like it; consequently, whether in reference to the sense of the petitions, the resolution come to by the other House, and the medium and degree of proof necessary to convince the understandings and satisfy the consciences of their lordships, there was not a single impediment in the way, to prevent them from entering into the consideration of the Bill, of examining and discussing all its parts, and of coming to a final decision on its merits, no more than if the Bill had taken its rise in that House.

Such begin the true state of the question, and, as far as he could learn, the history of the Bill itself, it became his duty, as a member of that House, to consider the Bill on the merits, and the merits only, and the true ground both in fact and argument, on which the Bill rested. It was said, in the first place, that persons, members of the other House, enjoying contracts, were under the influence of the crown, and of

course voted for the measures proposed by the minister, no matter whether right or wrong. Of this, however, he could say, there was no proof, nor pretence of proof; but he would meet it in argument, as a probable suggestion. Their lordships, then, before they could assent to the proposition, must supply the want of proof by the following string of suppositions. First, that every contractor is corrupt as soon as he becomes one; secondly, that every eminent merchant, no matter how high or respectable his character may be, or eminent for integrity, when he seeks a contract, or is prepared to enter into one, is previously corrupt. Their lordships must commit this violence on their feelings, put this force on their understandings, before they could accede to the very fundamental proposition on which the present Bill hinged. That was a proposition which he trusted very few would acknowledge, because it pre-supposed an innate, active spirit of corruption to prevail in the breast of every man who contracted with government. It went further, for it went this length likewise, that those who in every other point of view were considered as one of the most useful and respectable class of men in this country, were not only ready to be corrupted, but all those whom the king and the nation had entrusted with the conduct of public affairs were as ready to corrupt as the others were to be corrupted: and to the enormity of the crime itself, their lordships, before they assented to the passing of the Bill, must be further prepared to conclude, that ministers were ready to add a breach of trust of the highest nature, the most mischievous in its consequences, and every way the most destructive of the prosperity and welfare of that state, which, from their stations, they were appointed to guard and protect.

His lordship then made a long digression to prove that it was impossible in the nature of things that any contractor could be corrupted, or if he was willing to be corrupted, that any minister could be found wicked enough to corrupt him. He said, some particulars had been adverted to respecting contracts entered into by the noble lord at the head of the Treasury. He was bound to observe, that no proof of the facts had been adduced; of course, as an inducement for their lordships to pass the Bill, they availed nothing. Their lordships could take no notice of such assertions; they were capable of proof, or they were not; if they

could be proved, why was not evidence given? If they could not be proved, it was idle and absurd to talk of them.

But supposing that the case was really as it had been represented, surely their lordships' gravity and wisdom would not permit them to pass such a law as the present on the ground of an abuse in one of the departments of government, in a particular instance, or even in many instances. It would, besides, be an act of pre-judgment of a matter still depending; a matter upon which, perhaps, both in their inquisitorial and judicial power they might be called upon to decide. On the other hand, the remedy proposed was a general one, of constant, fixed, and extensive operation; not pointed to this or that particular abuse, but a general pretended reform, in no wise supported by fact, reason, or sound policy. Consider the matter again, in respect of actual inconvenience; how pregnant with evil would the present measure, if adopted, prove? And still more so, how full of injustice? Here is a man, suppose any man, without descending to particulars, of considerable fortune, and engaged in great mercantile concerns; this man happens likewise to be a member of the other House, and of course is in a situation of a distinguished nature, because he is presumed to be acting for the good of his country, and a sound presumption, till the contrary be proved. But what says this Bill, but that the man who from his situation, fortune, and public services, is intitled to the respect and esteem of his fellow subjects, must be singled out from the rest of the community as a public delinquent, or, what substantially amounts to the same thing, be excluded from deriving from an honest and fair pursuit and exercise of his profession, those emoluments every person in the kingdom is intitled to, who does not stand in the same predicament with himself. Such is the absurd idea the Bill proceeds on, that the person thus engaged in the active service of his country, is forbidden the advantages which, if not engaged in that service, he might partake of in common with others.

But if the Bill be unjust and impracticable, what is the benefit to be derived to the state? None at all. The object of œconomy is abandoned in the instant it is declared to be the only one; for it does not pretend to put an end to corrupt contracts, because they may continue to be made as formerly, but only to prevent the

supposed influence arising from it in the other House: and if the contracts are put up to public bidding, the mischiefs are many which this mode of contracting will be liable to; for though securities may be given, those who imagine that the performance of contracts is easily enforced, know very little of the means which must be resorted to, and still less of the numerous inconveniencies and mischiefs which may arise to the state in consequence of non-performance.

The noble lord who spoke last insisted greatly on the influence of the crown, to prove which he mentioned the great increase of the army and the navy. It was fair to presume, as a mere question of speculation, that an increased expenditure of public money, and the consequent power of granting more favours, would add to the influence of the crown, particularly in the army and navy; but however plausible this speculation appeared, the fact, he believed, either as generally or particularly applied, would be found to be the very reverse. It would be acknowledged, and it was a fact, he believed, known to every noble lord who heard him, that the influence of the crown, as applied to the support of ministers and their measures, was considerably more operative before, or at the eve of the commencement of the war, than since, and he presumed, that on account of many recent circumstances, arising from differences of opinion in both Houses of Parliament, it would be confessed, that the influence of the crown had very little effect upon the individuals of the two military professions, the officers of the navy and army, in the votes they gave. From these well known and indisputed facts, he was, he presumed, at liberty to conclude, however strong the current of popular prejudice might weigh with some persons, that the increase of the naval and military establishments, which had, though the presumed evil really existed, become unavoidably necessary, by no means threatened to endanger the liberties of the country.

He confessed he heard, with no small degree of astonishment, two matters urged in a strain of peculiar confidence: first, that the petitions were the petitions of the people of England, properly so called; consequently, that being the petitions of the people, they must operate upon the different branches of the legislature, so as to produce a prompt, implicit, and unconditional acquiescence in whatever the

people sought or wished, no matter how absurd or pernicious in its consequences. In the first place, he was yet to be satisfied, that the petitions, stiled the petitions of the people of England, were in fact the petitions of a fair, unequivocal, and decided majority of the people, otherwise they amounted to just nothing. Allowing this to be the fact, would it be proper for their lordships, who were the guardians of their own separate rights, as well as of the constitution and the nation at large, to comply with the wishes of the people, however mistaken or absurd; and though their lordships' own particular rights, and every other essential consequence derivative to the other two branches of the legislature, and the safety and well being of the commonwealth, should be involved in the request, and whatever might follow. He begged their lordships to pay particular attention to the state of the case, as it really stood; for it was not the petitions of the people that were the great objects, but the cutting up by the roots all free deliberation and inquiry; for if associations and committees were to compel one branch of the legislature, and terrify the other, to comply with their desires, the freedom of parliament was at an end. In this point of view he thought it behoved their lordships to be very cautious how they gave way to any innovation, unless it manifestly tended to the public good; because, if a motion went forth that such a measure, though not really necessary, being in itself trifling, was merely assented to to quiet the minds of the people, that fatal precedent once established, their lordships, in the very first concession, would be no longer free agents; and he submitted to their serious consideration how probable and easy the transition might be from light or trifling requests to others of the greatest consequence.

If the influence had prevailed to the degree complained of, it required deep and mature consideration to adopt measures the best calculated to effect its diminution. To alter the constitution would certainly be the last thing a prudent citizen or sound patriot would think of hazarding. A writer (Mr. Burke) on the subject of the popular discontents, whose opinions he much respected for their solid wisdom and deep observation, and who, in the work alluded to, had given so many proofs of eminent ability and sound political research, accompanied with mature judgment, had very fully stated the causes

of what were said, at the time he wrote, to be the prevailing discontents of the people. With a spirit which clearly marked his thorough knowledge of the subject, he sat off with gravely remarking, "That to complain of the age we live in, to murmur at the present possessors of power, to lament the past, to conceive extravagant hopes of the future, are the common dispositions of mankind." Indeed the most of the conclusions drawn by him from the various premises laid down in the work alluded to, tended to shew an alteration in the constitution, especially in the leading reforms and innovations, by certain descriptions of men, viz. that of shortening the duration of parliament, and for limiting and restraining the qualifications of those who were to be eligible to be sent as members of the other House by their constituents, either by place bills, bills of exclusion, and disqualification, &c. The arguments of the writer, whose abilities no man offered to call in question, brought home clear conviction to his own mind, upon points he would fairly say he had long before been pre-disposed to consider in exactly the same light.

It had been urged by several noble lords, that contractors sitting in parliament were under the undue influence of the crown or its ministers; indeed it was the only colour of argument urged in support of the Bill; but in his opinion, nothing had been offered but general loose assertions, which, in the shape they were brought forward, hardly deserved an answer. Rum and some other contracts had been mentioned; but, in his opinion, that House was not the proper place to discuss such matters. The constitution and the laws had wisely provided a remedy; and a better nor more convincing proof that those loose assertions were not founded, need not be adduced, than that the only proper mode of ascertaining the facts, and, in consequence of that, of punishing the offender or supposed offenders, was abandoned, and the charges repeatedly made in a place in which it was impossible for the party accused to defend himself and prove his innocence. One gentleman in particular, a member of the other House (Mr. Alderman Harley) on whom the noble earl who spoke last thought proper to indulge himself in a strain of strong animadversion, and whose contract the noble earl had reprobated as an improvident one to the public, an unwise one on the part of the minister, and inor-

dinately lucrative on that of the contractor, he knew perfectly well, and he was free from his full conviction to declare that no merchant had pursued a fairer line of conduct, not one of their lordships was more proud in honour, nor did any man stand more firmly on the rock of integrity.

His lordship adverted to a question put early in the debate. Would they become the engine of the minister, and do for him in that House what he dare not attempt himself in the other? This was merely a figure of speech, or rhetorical flourish, which he was not at present prepared or willing to combat in the same stile. The great point, in his apprehension, was this, and this only: was the measure itself a wise or proper one; if it was not, this made-up speech imported nothing, and he trusted would not weigh a feather with their lordships. That House was placed as a barrier between the other two branches of the legislature. It was a station of great trust, whether affecting their lordships' own immediate rights and interests, or those of the community at large; and he believed the language the constitution held was this, that their lordships were bound in duty, whenever it became necessary, to restrain every attempt of either of the branches of the legislature from encroaching on the rights and privileges of the other, no less than to preserve their own inviolate. His lordship concluded with giving his negative to the motion.

Lord Camden observed, that he was not much edified with the long speech he had just heard. His learned friend on the woolsack had said a great deal about the Bill, but in his opinion very little to the purpose. He always heard the learned lord with pleasure when his attention was directed to the question, and the general subject matter to which it related; but upon other occasions, when his lordship meant to defeat a question, by means very different from those which he was willing to avow, his noble friend would, he trusted, excuse him, if he laid very little stress upon arguments foreign to the subject, however ably or eloquently urged. His learned friend had maintained his opposition to the Bill, in contradiction to the clearest principles of the constitution; indeed to every rule of common sense and common experience, and to the whole system of parliamentary jurisprudence. He protested he could

not hear his learned friend, but with astonishment, doubt the existence not only of the influence of the crown, but its monstrously increased influence in parliament. He would ask his learned friend, Was such an influence supposed to exist at any former period? If it was, had it been reduced? By no means. The learned lord tells you, that every law enacted for a century past, which had the reduction of the influence of the crown for its object, was idle, nugatory, and inefficacious. He was, indeed, ashamed to waste their lordships' time with even stating a single doubt relative to the question; because, if influence did not exist now, it never existed: the presumed means of influence having, within the last 50 years, nearly doubled; consequently, every single law passed for restraining the influence of the crown in parliament, from a year or two after the Revolution to the instant he was speaking, was conceived in folly, was replete with political and personal injustice, and tended to no one end but to swell our statute books, and to administer a cause of eternal litigations. What was the Place Bill, the Pension Bill, and that for excluding the officers of excise and customs from seats in the other House? In short, the whole code of parliamentary regulation, but so many monuments of the folly and injustice of our forefathers; of their folly, if those laws were from their nature not practicable, or fit to be carried into execution; of their injustice, if the learned lord's arguments were maintainable, that no member of either House should be supposed corrupt till proof were made, (he presumed his lordship meant Westminster-hall proof) of his corruption. In short, the conclusions fairly deducible from the learned lord's general positions were clearly neither more nor less than this, that those several restraining, qualifying, and excluding laws, were the idle suggestions of visionary and ill-informed men. Before he took a final leave of this part of his learned friend's arguments, he could not help making one additional observation. The learned lord had set his face, in very strong language, against innovations in general, pointing out their danger, and encouraging, or rather rallying their lordships, to the post of danger, and to a vigorous discharge of their duty, namely, the standing between the two other branches of the legislature, and preserving the constitution in a natural

and exact equipoise; and then his lordship applied the general principle to the Bill now on the table. He wished the learned lord would attend to the particular application of his general premises, and see how that corresponded with his main argument, which was, that all the other laws of the same nature and tendency passed since the Revolution were little more than so much waste paper. It might be fairly inferred, from the learned lord's great abilities, and his eagerness to prove the folly, as well as injustice of restraining laws in general, that he would not have omitted the mischiefs which those laws produced. If not then, it was clear that all the imaginary fears and dangers conjured up by the learned lord against the present Bill, for he supposed there was no other before the House, could not be understood to properly apply to it; consequently, however proper it might be to point out the dangers and mischiefs relative to other intended innovations, which the learned lord predicted, they could have no weight whatever in this discussion.

Before he proceeded to speak to other parts of the Bill, he would endeavour to meet the principal objections stated against it in another point of view. He would, indeed, grant them one by one, for argument's sake. He would say, as many of their lordships had said, that merchants in general were a very useful and respectable body of men, as much, or more so, than any other in the state. He would grant, that no man sought a contract from corrupt motives. He was ready to say, with the warmest of the minister's friends, or indeed any former or future minister, that he or they did, do, or would revolt at the idea of entering into a corrupt contract, with any prospect of obtaining, or hoping to obtain the corrupt vote of the contractor, in support of his measures, and in the maintenance of his power, contrary, perhaps in many instances, to both the wishes of the sovereign who confided in him, and of the people, to whom he was ultimately bound, for an honest and faithful discharge of his duty. He would go the full length that the warmest friends of the worshipful body of contractors could possibly wish him to go. He would even suppose, that no corrupt contract ever had, or would be made.

But after all these concessions, it was plain that these were new discoveries in the moral and political world; something

extremely different from the jealousies which occupied the minds of our less wise forefathers; very contrary, indeed, to the whole scheme and spirit of the British constitution, and the voluminous resolutions of the British legislature. All these, jointly and separately, combined to establish a principle totally repugnant to that which noble lords were of opinion was inherent in human nature. They thought that power was apt to corrupt the human mind, and to be frequently abused in the exercise; they vainly imagined, that though it was honourable and charitable to suppose every man honest till the contrary were proved, nevertheless it was the duty of parliament, and the task of wisdom, to provide certain necessary means of confining the party possessing a trust within certain marked and measured limits, and to lay upon him such restraints as might prevent him from abusing the confidence reposed in him. These, he presumed, were what the learned lord called idle, fanciful suggestions, the phrenzy of virtue, and the madness of ideal perfection. However foolish, idle, or fanciful they might now appear, he believed they sometimes produced very serious consequences, and if human nature was not become, within a very few years, miraculously, as it were, purified and refined, it was not impossible but what once before happened might, in the revolution of time, happen again; for if history had not misled him, those antiquated ideas operated in a variety of instances on real subjects; that men had been found corrupt and venal, and had suffered public ignominy and punishment for their venality and prostitution. He should not even resort to history; he believed their lordships' Journals, as well as those of the other House, if examined, would furnish several instances of men in high trust having abused that trust, and of suffering under the strongest displeasure of both Houses, for their public delinquency; and as the noble viscount in the green ribbon had described, with his usual ingenuity, prosecutions in parliament, or parliamentary inquiries in general, to have originated in faction, he begged he would distinguish the cases, so as not to confound the persecuting or prosecuting spirit of party or faction, with those where the facts were clearly, notoriously, and satisfactorily proved, and were followed with condign and exemplary punishment.

The particulars to which he had been

alluding were, in truth, the very causes which produced the qualifying, restraining, and excluding laws. Hence the several statutes, in order to lessen or restrain the influence of the crown, or the minister for the time being, from operating in parliament. If, then, the jealousy of parliament itself was such, that it doubted the integrity of its own members, the general proposition, to come seriously to the question, on which the Bill rested, stood unshaken. He would never suppose, any more than the learned lord, till the same were in legal proof, that the particular cases alluded to in the present debate, were sufficient to support the present or any future Bill; those were now clearly out of the question: these contracts might have been the best or the worst that could be possibly made; but with that circumstance their lordships had nothing to do; the persons described were not before the House in either contemplation of law or fact. He should be sorry, though the matter were admitted as proved, that the Bill had not a more firm and durable support; for he would never consent, in any given instance, to apply a general remedy to a partial grievance. But taking up the question in the only light it could be fairly and distinctly viewed, saving as he went along the characters of the two gentlemen whose names had been so often mentioned (Messrs. Harley and Atkinson) and the noble lord, the minister in the other House, what did the whole that was urged in this line of argument amount to? To just this: that the contracts were fairly, honourably, and equitably made, and that the contracting parties were fair and honourable men. So far he was ready to go: but though he abhorred the idea of entering into corrupt bargains as much as any one of their lordships; he would ask them, did there no bias hang upon the minds of men in certain situations, and in the course of certain transactions? Did not gratitude or friendship ever operate as a source of influence? Were there not many questions, and some of them, perhaps, of the first importance, so nearly balanced, that a profitable connection either in possession or expectation, might not turn the scale? Was there a single measure proposed to parliament, however pernicious in its nature and tendency, that wanted able and willing advocates to defend it? In such an equilibrium, when arguments were managed with so much dexterity and address, that it became difficult

to determine on which side truth lay, did not interest often imperceptibly intrude itself, and furnish the mind with plausible arguments and specious pretences to cover its secret workings?

He would just suggest another almost irresistible source of influence, which operated on the minds of some men very forcibly, and of the most worthy and respectable description, where the first rate virtues gave birth to the evil; he meant gratitude for past favours, or present benefits, or a regard to one's family and dependents: they were both implanted in the human breast, for the best and noblest purposes. He was far from arrogating to himself the stern virtue of keeping their effects at a distance. He might struggle against them, but he could not promise to say he would come off victorious. The safety of the state, and the preservation of the constitution, might, under certain circumstances, be involved in the fall of a minister, and the most serious personal consequences arise to the minister on his fall. Where was the man hardy enough to say, that he would in the day of adversity unite in the destruction of his friend and benefactor? Where was the man bold enough to say, if he had no provision for his family, or was of an avaricious temper, that he could withstand the temptation of providing for one, or of gratifying the other? The case was a strong one, but it had happened, and might again happen, that it would become the public duty of a man to join in measures for the destruction of his benefactor; and as for the other temptations mentioned, he presumed no noble lord, or any other person, who in the least mixed with the world, would deny that such temptations as he had described offered themselves too often; and, without distinguishing the present age from any former period, or censuring it in a severer degree than truth would justify, there was very little reason to doubt, that such temptations were not always resisted.

Great and princely fortunes, made without trouble, within the course of a few years, were strong temptations to be held out to any man, to induce him to come over to the opinions of those who had the power to offer and the ability to confer the favour. This was the language of a noble lord, not many years deceased, who was well acquainted with the subject, and spoke from experience (lord Clive). That noble lord, when the clamour first was raised against the Nabobs, who amassed

princely fortunes in a very few years in India, was heard to acknowledge in the other House, of which he was a member, "That the temptations held out to adventurers in that part of the globe, were such as flesh and blood could not withstand." The noble lord said what was perfectly true, and he had every reason to be persuaded of what the noble lord had so candidly acknowledged.

His lordship then proceeded to speak of the conduct of the court of Petersburg, relative to the declaration or manifesto issued by the empress; a declaration which, in his opinion, went to dictate to all the maritime powers of Europe, and was totally subversive of the first principle of the law of nations, which had never went so far as to say that neutral bottoms protected the goods and effects of an enemy; on the contrary, every writer, who had ever discussed the subject, as well as the general and municipal law of nations, sanctioned by the admiralty tribunals of every power in Europe, supported this opinion; that although the bottom was free, the effects of the enemy on that bottom were deemed lawful prize. His lordship predicted the worst consequences from this dangerous and arbitrary edict, for he could call it by no better name; and said, in the present existing circumstances of this country, and the advantages she derived from her local situation, in respect of the northern powers, he saw nothing but inevitable destruction; for the alternative was, a war with the northern powers, or the permitting them to assist our declared enemies to subdue us by indirect and collateral means. If this declaration was not withdrawn, he left it to ministers, whose duty it was to provide a remedy, to embrace which side of the alternative they thought proper. He then implored their lordships seriously to reflect on the state of this country, in respect of foreign powers and foreign enemies; to look to its internal condition, to the temper of the people, and the domestic ferments already in being and daily increasing, and see whether it would be prudent, at so perilous a moment, to push matters to extremity, by rejecting the first proposition recommended by the people to their consideration, and well weigh, whether the rejection of the present Bill was of such consequence, as to risk the infinite mischiefs which might probably follow in consequence thereof.

The Earl of *Mansfield* observed, that

the only possible reason that had been urged in support of the Bill, was the correction of public abuses, which were stated in argument to exist, but of which, as far as he could learn, no proof had been given. The present question involved in it two matters of consideration, equally separate and distinct, though directed to the same end, that of public reformation. The first was to reduce or diminish the influence of the crown, supposed to be grown much beyond the limits which the constitution had marked out; the other, that of an œconomical expenditure of the monies raised on the subject. He should consider the Bill in both lights, and briefly state his reasons how far the Bill was or was not calculated to obtain the ends proposed, and at the same time accompany them with such observations as naturally grew out of the measure, considered as a measure of state. He did not mean to controvert or discuss the speculative opinion on which the noble lords on the other side of the House said the Bill was framed, that of the increased and increasing influence of the crown. He was ready, for argument sake, to accede to the truth of the premises, in order the more immediately to meet the arguments raised upon it; and he was likewise prepared to grant that there was a principle of jealousy in the constitution, directed to keep a strict eye upon the members of the other House, lest the crown, which, with its ministers, was entrusted with the public treasure, and the power of bestowing offices and conferring honours, should employ those sources of temptation, in warping the integrity of the representatives of the people, or biassing their judgments contrary to the well-being of the state, and the preservation of the constitution. If he understood the grounds on which the Bill proceeded, or the motives urged by the noble lords, to induce a majority of that House to pass it, these, and these only, were the two great objects held out in the course of the discussion of the present day.

The first consideration was this, and merely this. Would the present Bill, if passed into a law, lessen the influence of the crown in the other House? Most certainly, if the influence meant was a corrupt influence, it would not; for if men were to be drawn off from their duty upon motives of mere self-interest, their minds and dispositions would remain exactly the same after passing this Bill as before. If, on the other hand, the minister for the time

being, or any future minister was inclined to abuse the trust committed to his charge, the passing of this Bill would work no change in his natural and habitual way of thinking. What, then, did the Bill propose? To defeat the effects of such a disposition in the corrupted, by totally removing the ability of gratifying it in the corruptor, and creating a legal disability in the former to accept. Here the argument of the learned lord came most powerfully in aid of the conclusion he was about to draw. Is there not a principle of jealousy in the English constitution, said the learned lord, to render both Houses of Parliament independent of the crown? Most certainly, and of each other too. Have not, said the learned lord, a great number of statutes passed, professing that principle, and framed in strict conformity to it? Indisputably there have; but what was the consequence? That every one of them have been found either improper to be enforced, or nugatory in their nature, and are daily evaded, or in fact superseded by general consent. What strong reasons were there not urged in support of a general Place-bill? A very improper Bill, upon its original idea, in his opinion. What is the consequence? The person, as soon as appointed to a new office, is sent down to his constituents, and is again returned to parliament by them ninety-nine times out of a hundred. The Qualification Act was no better than a dead letter, and several other laws, of a restrictive and exclusive nature, relative to the other House, had long since fallen into disuse, or were totally disregarded.

Try the present Bill by the same test. The intended law supposes a pre-disposition to corrupt and be corrupted, and proposes to exclude a member of the other House only when he privately contracts, in his own name, for he will be still at liberty to contract at a public bidding. Now, was there any thing in nature easier than in one instance, relative to a private contract, for a member of the other House to make use of another person's name, or, though the contract was made in public, than to say, who it was that offered the lowest terms? On this ground, though the object proposed to be obtained by the Bill, that of lessening the influence of the crown, was a proper motive to induce their lordships to send the present Bill to a committee, the means were not at all commensurate to the ends.

The other point, that of œconomy, had

been much insisted upon, and several particular facts stated to shew the necessity of the Bill, and to prove, that although the minister were incorrupt, private contracts were replete with fraud and imposition, and consequently that public contracts were preferable. It had been stated, that a Mr. Atkinson had contracted with a noble lord in the other House, for rum and some other articles, and had, from the ignorance of the noble lord in the value of the commodity contracted for, or from the noble lord's inattention, charged a most exorbitant and usurious profit, by which the public had been grossly and shamefully defrauded, to the amount of several thousand pounds. It was an universal principle, in all human legislation, never to propose a law when there was an existing remedy adequate to the removal or correction of the evil complained of; and certainly if no remedy existed for the removal of the grievance stated, it would be an unanswerable argument with him for passing the present Bill; but how did that matter stand? A Mr. Atkinson, who, by the bye, was no member of parliament, but a merchant of considerable eminence, comes to the noble lord at the head of the Treasury, and offers to supply him with a large quantity of rum. He is desired to propose his terms; he answers, the same as the contract made by the navy-board for the same article. The noble lord enquires the price paid by the navy-board, and instantly closes with Atkinson; it however comes out afterwards, that the high price paid for the rum by the navy-board, is given in consideration of other articles, served for a price under the market value. Here the noble lord who made the contract is grossly imposed upon. He fixes an ideal value in reference to a standard, with which from the nature of the transaction, it was not supposed he could be acquainted. But what is the conduct of the noble lord? He pays over the real market value of the rum to Atkinson, and legally and justly retains the remainder for the public benefit. In both lights he acts as a trustee for the public, which he represents in either capacity. He thought the first bargain was an advantageous one; but when, upon enquiry, he found he was imposed upon and deceived, he determined nevertheless that it should continue an advantageous and equitable one for the public. In the other transaction alluded to, the circumstances differed, though the principle was the

same; and the application to the conduct of the minister in the other House, equally just. The noble lord agreed with Atkinson for a certain stipulated price per gallon. His lordship enquires of Atkinson what he can afford such a commodity at, describing the quality of the rum he wanted. Atkinson informs the noble lord, and his lordship fixes the price upon the confidence he had in the character and veracity of the contractor. It comes out, however, that the price charged by Atkinson, as in the case of the victualling contract, is considerably above what it is sold for at market. Here, then, the matter was fairly turned round, and the grounds of necessity stated by the noble lords who urged the impositions the Treasury board were liable to, was, in his opinion, totally overthrown. No imposition could be put upon the noble lord. Attempts might be made, but the law had already provided a full and specific remedy; though the money had been paid, though several years had elapsed from the time of payment to the time in which the fraud was discovered, whoever defrauded the state was amenable to the public. All bargains made for the nation were made in contemplation that they were well made, and for the public benefit; they were clearly null and void *ab initio*, if not founded in equity and justice. This was no new doctrine; it was coeval with the constitution. When in the immediate service of the crown himself, as Solicitor General, he had been frequently consulted by the King's ministers upon the subject, and had as often given his opinion, such as he had now stated it to be; and he remembered very well that when Attorney General, a governor of one of the West India islands had charged for articles more than their intrinsic value, and for some with which the troops had not been served, and he was instructed to prosecute him; he did so, and every shilling above what was really expended in the public service was recovered in a court of law. Such would and must be the event of the affair alluded to; and not only in that instance, but in every other in which any mark of fraud shall be discovered. Nay, there was not a single contract made since the commencement of the present war, against which any objection could be justly made, in which it was not competent for those who contracted in behalf of the public to make strict inquiries into the terms so entered into; and if they should find any

overcharge, to demand it back if paid, or to retain it if not already paid over to the contractor; to even institute suits for the recovery of the difference, or justify the retention of it upon the grounds which he had now stated.

On the whole, he did not think that the influence complained of did exist, or if it did, that the present Bill contained a proper remedy; because allowing that the influence of the crown was increased and increasing, and ought to be diminished, he was persuaded that the Bill, like all others, would prove inefficient for the purposes for which it was apparently framed; and as to the promoting a more economical expenditure of the public money, it was clearly unnecessary; because the laws in being provided a specific remedy, fully adequate to the prevention of the evils complained of, one of which the present Bill was apparently calculated to remove; if the minister was corrupt, no security could be given by him to the contractor, but that at some future day he would be compelled by law to refund, because the law was always open. The same argument held good if the minister was indolent or ignorant, so that in any or either event no detriment could happen to the state from the corruption or inability of the one, nor the fraudulent attempts of the other.

The Duke of *Richmond* spoke chiefly to the point of influence. If its existence was once acknowledged, the Bill he said called for no other support. He was ready to agree with the noble lords who opposed the Bill, that no measure which parliament could adopt would destroy a possibility of evading it; not only in respect of the present proposed law, but of any other which it was in the utmost ingenuity of man to devise. On the other hand, if the argument was carried directly to the point to which it apparently led, every law, by such a species of reasoning, could be proved to be nugatory and absurd, because in some possible instance or other it might be evaded, or the evil subsist in some other form. Sufficient for the day surely was the evil. The Bill proposed to annihilate a certain species of influence. How far it might answer the purpose, time could only discover; but it was a strange perversion of human reasoning, on the supposition of an existing grievance, to argue, that no remedy ought to be applied, because remedies were applied in other instances, but had failed, or their

operations had been eluded by other evils starting up in the room of those which had been removed.

Every noble lord who rose to oppose the Bill had said, that public economy was necessary at all times, and much more so at such a season as the present, when one part of the empire was convulsed by a civil war or rebellion, and when we were engaged, besides, in a very unequal contest with two formidable enemies, united for our destruction; but though the necessity was granted on all hands, not one of their lordships gave the least intimation of his intention to propose any measure to introduce new means, or enforce the old, for promoting economy. A learned lord of great authority, who speaks with particular weight, and is always heard with attention, says there are remedies and provisions already in being for enforcing a frugal expenditure of the public money. But with all the aids which the law has provided, the learned lord does not venture to say that no waste of the public treasure has happened; far from it; he acknowledges that there has, but has forgot to state any instance in which the King's servants have applied that remedy. He says the overplus has been retained in one instance; but surely the learned lord has forgot the manner in which this matter first arose, or has never heard that this shameful fraud, this public robbery, would have slept like all the other contracts, in perpetual silence, but for the active part which a member of the other House (col. Barré) took in that business.

He wished those noble lords who opposed the present measure to consider all the circumstances which accompanied it. The people at large had agreed unanimously in one point, namely, relative to the increased influence of the crown, and the necessity of an immediate economical reform in the expenditure of public money. Some counties had only instructed their representatives; others had petitioned; a third description, much the most powerful and formidable, had agreed to committees of correspondence, associations, &c. to enforce the prayer of their petitions. Two or three counties had protested, and one in particular had presented a counter-petition; but however discordant or opposite in some instances, or however short one class of petitioners might fall of another, as to the objects of their wishes and expectations, there was one clear, indisputable object which seemed to form a

point of union, and so far bound them in duty to themselves, and in support of their own sentiments, to endeavour by every proper means to promote—and that was public œconomy. Some measures were proposed in the other House in consequence of those sentiments thus expressed, which were rejected; and out of all, this was the only one which met with success. Here, then, was at least one instance in which the people were united without doors, and unanimous within, the Bill having passed the other House without debate or division; notwithstanding which, the King's servants and likewise the servants of the people in that House had resolved to defeat a measure which seemed equally agreeable to their friends, as well as opponents, and that without argument, at least any reason assigned, which did not heighten the disrespect and contempt in which they hold the wishes of the people, and the unanimous concurrence of the other House to gratify those wishes.

Every noble lord who spoke against the Bill treated the supposed influence of the crown as a chimera which took possession of the brains of some speculative men, or considered them as the suggestions of faction, in order to embarrass government; or, lastly, that the influence described was a legitimate proper influence, and was necessary to the carrying on the affairs of the nation; in short, that it was an influence vested by the constitution in the crown. It was no easy matter to argue the point clearly, and come to an issue upon the matter in controversy, because what might be a full answer to those who entertained one opinion, would be totally irrelative and inapplicable, in reply to another. He did not therefore mean to answer discordant and repugnant opinions. When any proposition was framed on which administration were united, he would meet them fairly; but at present it would be a very idle manner of spending his time in controverting opinions upon which no two persons supposed to be concerned in conducting the affairs of government were agreed. Though he meant to decline so vain and useless a task, he nevertheless thought it necessary to say a few words respecting the petitions, and the avowed opinions of the other House.

A very great majority of the petitioners, and a very considerable one he believed of the electors and the mass of the people of England, agreed in two points: that the influence of the crown was danger-

ously increased, and that a reform was particularly necessary in the expenditure of the civil list revenue. In the course of several debates, in which these two questions naturally became the subject of discussion, the facts alluded to were controverted and denied. The minister in the other House, and some persons of considerable weight in administration and that House, maintained the negative in argument. A very able gentleman, of great talents and professional knowledge (Mr. Dunning) framed two questions in order to take the sense of the House, and learn whether the opinion of their representatives accorded with the sense of their constituents. His first proposition was, whether the influence of the crown had increased, was increasing, and ought to be diminished. The second, whether the representatives of the people were competent to enquire into, and in case of abuse to reform the expenditure of the civil list. Another gentleman (Mr. T. Pitt) had likewise moved, that it was the duty of that House to redress the grievances of the people who sent them there, as stated in the said petitions. The fate of those three propositions was well known. They were resolved each of them true, by a most respectable majority composed of 233 members. A measure directed to diminishing the influence of the crown soon after came before that House; it was lost by a majority who did not approve of the means proposed, though they continued to maintain the principle on which it was supported: so that 233 members of the other House, supported by a clear and decided majority of the people without doors, had, by an act of a public nature, declared opinions, every one of which the noble lords who spoke in the present debate did not admit to be true, or controverted in some one shape or other.

This was an alarming circumstance, and created in his mind the most melancholy apprehensions. Take the matter either way, the consequences might prove dreadful. If the other House resolved from private motives, or to answer electioneering purposes, which he hoped was not the case, what they themselves did not believe to be true, where were we? In the worst of all possible situations—the House of Commons, which was the great barrier between government and the people, reduced to this dangerous and critical dilemma, that of adopting measures of which they secretly disapproved, or of flying in

the face of their constituents ; which difference of opinion, should that happen to be the case, might end in the dissolution of all government, and the overthrow of the constitution. Take it on the other side ; suppose the majority of the other House to be sincere, and suppose that measures like the present, founded upon the resolutions alluded to, and which, if not founded upon those resolutions, were, in sense, object, and effect, substantially correspondent : and suppose further, for the facts and circumstances justified such a supposition, that the present Bill, and other measures of a similar tendency, should come up supported by the constituent and representative bodies, and receive a negative here, denying the principles on which those measures were formed, and refusing all sort of redress, what an alarming state of things would such a refusal probably produce ! He was filled with horror at the idea, and could only say, that those who advised their sovereign not to comply with the wishes of the people, thus constitutionally expressed, would be answerable for all the direful consequences which must, and he foresaw would, follow.

Such advisers would reduce his Majesty precisely to that situation, the most to be avoided in any government, but most of all in that of England, that of setting up a different interest in the king from that of his people ; a doctrine, in his opinion, amounting to the highest political blasphemy and treason against the prince and people. The contrary was known to be the doctrine of every wise and virtuous statesman. The connection which bound the king and his subjects was preserved by an interchange of good offices, mutual confidence and good will, in a reciprocity of favours and graces ; in mutual benefits, and mutual protection and support. When any other means of carrying on government were resorted to, they were founded in weakness ; they created jealousy and distrust, and must either crumble to pieces of themselves, or involve their authors and the country in ruin. No man would go farther in the support and maintenance of the constitutional prerogatives of the crown, and the just rights and privileges of the people ; but he dreaded sincerely, if something was not done in time, that the best men would be obliged to give way to the current of arbitrary power, or to the next worst event that could possibly happen, to anarchy and confusion, and all the dreadful concomitants of a civil war. Yet

alarming as this picture was, it was, he feared, meant to be realized. What had passed that day confirmed his fears, and created fresh apprehensions. The conduct of the minister of the other House, indeed, put the matter beyond a doubt, when thus confirmed by his colleagues in office here. The noble lord had apparently determined to set the king and his people at variance. He had endeavoured to thwart every measure proposed for the advantage or satisfaction of the people, and by all the little arts of ministerial chicanery and parliamentary dexterity, to create divisions among those who opposed him. He had thrown numerous impediments in the way of every measure, and had displayed all the manœuvres of a person determined to teaze, distract, and confound, and to defeat by management what he had not the candour nor ability openly and directly to oppose. This was acting in a most criminal manner ; and however strong it might sound, he would fairly declare that any noble lord that heard him who should continue to support such a man would be equally wicked and criminal himself.

After taking a short retrospect of that noble lord's administration, and pointing to the principal measures, all which as he enumerated, he contended more or less tended to bring us into our present situation, and whose obstinacy was now accelerating our ruin, he replied to several of the objections stated to the Bill, and earnestly entreated their lordships to permit it to go to a committee, where it might be improved ; for he found himself at perfect liberty to say, that it did not come up entirely to his own ideas, though he most heartily and sincerely approved of the principle. He had turned his attention somewhat to bills of disqualification, and he must acknowledge, that he did not much approve of the mode hitherto adopted to obtain the object. The rights of election and representation were of the very essence of this government ; they ought, therefore, to be touched with a very delicate and cautious hand. He thought that nothing should restrain the choice of the electors, or the eligibility of the candidate ; though influence, which operated in parliament, ought to be restrained, an acceptance of a place of trust should never be deemed to imply a corrupt act. The people should be all free to elect their own choice, and no law should be adopted that might directly tend to ex-

clude great and respectable bodies of men, lest such men, being excluded from partaking in the power of legislation, should wish to overturn that constitution which had proscribed them. Many measures had been spoken of without doors relative to representation, to shortening the duration of parliament, &c. He was not prepared to give any opinion on the subject, nor would it be decent to prejudge them till they came regularly under his consideration. He feared they were too numerous, and embraced too many objects; for in his opinion the nation ought to unite upon one great constitutional point, as a basis for what was to follow, and which would reach the root of the evil. Though he approved of the Bill, he had no great expectation from it. It was but a part, and a very small part of what ought, and he foresaw, sooner or later, must be granted. As he said before, he did not approve of the mode of disqualification proposed by the present Bill; that was an additional motive with him for sending it to a committee, where, instead of disqualifying the member, he would remove the disability to the person of the minister, who should not dare to give a contract to any member of the House of Commons.

The House divided: Contents, 41; Not-contents, 61: it was then moved to reject the Bill. The question was put thereupon and carried in the affirmative.

Protest against the Rejection of the Contractors' Bill.] The following Protest was entered:

"Dissentient" Richmond, Harcourt, Jersey.

1. "Because the Commons, desirous of re-establishing the reputation and authority of parliament, and of giving satisfaction to the people, at a time when the most cordial and unsuspicious confidence between the representative and constituent bodies is essentially necessary, have come to a resolution, 'That it is necessary to declare, that the influence of the crown has increased, is increasing, and ought to be diminished.'"

"This resolution we conceive to be undeniably true, and highly seasonable. Their commencement of the diminution (which they have solemnly engaged to make) by the Bill here rejected, is no less judicious. In the midst of a war, in which nothing (among all its unhappy circumstances) is more remarkable than the prodigality with which it is carried on, it ap-

pears peculiarly necessary to remove from parliament the suspicion that the rash adoption, the obstinate continuance, and the corrupt supply of military arrangements, are connected with the support of a court majority in parliament.

2nd. "Because the people, oppressed with actual impositions, and terrified with the certain prospect of farther and heavier burthens, have a right to be assured, that none should have a power of laying those burthens, who have an interest in increasing them. Neither is it fit that they who are the principal subject of complaint, should sit as the controllers of their own conduct. Contracts can never be fairly made, when the parliamentary service of the contractor is a necessary understood part of the agreement, and must be reckoned into the price. But the most unexceptionable contract being a matter of great advantage to the contractor, it becomes a means of influence even when it is not a principle of abuse. It is the greatest of all the bribes a minister has to bestow; and one day's job may be worth the purchase of the fee of most of the places and pensions that are held in that House.

"3dly. Because no reasons have been assigned for the rejection of this Bill, but such as appear to us frivolous or dangerous. It was argued as necessary to abate the phrenzy of virtue, which began to shew itself in the House of Commons. This new species of phrenzy we look upon to be rather a character of soundness than a symptom of insanity: and we fairly declare, that as we frequently come into contact with the other House, we heartily wish that that distemper may become contagious. Another reason assigned against this Bill, that it is impossible for vast pecuniary emoluments to have any influence on members of parliament, appears to originate from so perfect a puerility of understanding, or such a contempt of that of the House and the nation, that it is mentioned as a matter to be animadverted upon, not answered. Of the same nature is the argument drawn from supposed improbability of abuses in contracts, because the law has left in the hands of ministers the means of prosecuting at law the supporters of their power, and the accomplices of their own fraud and malversation. These arguments will give little satisfaction to those who look at the House of Lords as a barrier against some possibly sudden and mistaken warmth

of the House of Commons that might be injurious to the just prerogatives of the crown, or the rights of the people; but we will not bear the gross abuse of this constitutional power; or that this House should set itself as an obstruction to the most honourable, manly, and virtuous resolution ever come to by an House of Commons; a resolution made in direct conformity to the petitions of their constituents. We protest, therefore, against our standing in the way of even the first steps taken towards promoting the independence, integrity, and virtue of a House of Parliament.—(Signed) De

Ferrars, Rockingham, Abergavenny, Fortescue, Courtenay, Wycombe, Ponsonby, Percy, Ferrers, Pembroke and Montgom. Scarborough, J. St. Asaph, Beaulieu, Osborne, Cholmondeley, Manchester, Coventry, St. John, Fitzwilliam, Abingdon, Portland, Devonshire.

“For the first and third reasons, adopting however very heartily in the present state of parliamentary representation the sound principles contained in the second, which yet I conceive inapplicable to this Bill.

RADNOR.”

Debate on the Duke of Richmond's Motion respecting the Defenceless State of Devon and Cornwall.] April 25. The order of the day being read,

The Duke of Richmond rose, and informed their lordships, that the motion he meant to submit to the consideration of the House, related to the state of Plymouth and its vicinities at the time the combined fleets of France and Spain appeared before it, in August last. He would not say, that the object of his motion was of the very first importance, because, in truth, he knew of many other matters of much greater. He knew it did not present an object to their lordships equal to the loss or re-possession of 13 American provinces, nor would the loss of Plymouth be so important in its consequences, as the capture of Jamaica, and our other West India islands. He was ready to acknowledge, that it was not so alarming, as the increased, and rapidly increasing influence of the crown, nor likely to be so fatal as the want of unanimity at home. But, although the comparative loss, or rather preservation of Plymouth, must give way to the other objects he had pointed out, it would not thence follow, that Plymouth was of little impor-

tance. Plymouth, on the first day of the session, had been acknowledged by the first lord of the Admiralty, to be equal in value to one third part of the kingdom, at least as applied to our national defence, our navy. He was therefore warranted, from the first naval authority to conclude, that the safety of Plymouth was an object of very great magnitude. The ruin or conquest of the country, would not, he believed, be the consequence of the destruction of Plymouth; but as a maritime power, it would be such a blow as would probably lay us at the mercy of our enemies. If such an event should ever take place, it would be problematical with him, whether we should ever again be able to preserve our independence as a naval power. That such an event was very near taking place, their lordships would be fully convinced, should they agree to the motion which he was about to submit. The scandalously defenceless state of that important fortress, when the combined fleet appeared before it in August last, had already undergone a considerable discussion; and he could now prove, from the most respectable and authentic authority, that of the general officer (sir David Lindsay) who commanded there at the time, that nothing fell on that day from the side of the House on which he had the honour to sit, which could not be fully proved from the authority just alluded to.

He said, he was fully aware what disadvantages he, and noble lords who acted with him, laboured under, when they made any motion tending to an enquiry into the conduct of those, who, unfortunately for their country, led, or voted in the majorities of that House. Little good was to be expected from any attempt of the kind, whenever the noble lords in office set their faces against it. He need adduce no stronger proof than the fate of a late enquiry, which, instead of a deserved censure, ended in a vote of thanks, though the evidence delivered at their lordships' bar, and recorded on the Journals, exhibited proofs, that if the noble lord was not legally convicted of any crime, there were several parts of his conduct which loudly called for reprehension. [Enquiry into the management of Greenwich Hospital.] This unpromising aspect, relative to what he had a right to expect, in every future effort of a similar nature, should not discourage him from pursuing the steady line of his duty. It

was one thing to attempt; it was another to ensure success. Be that as it might, how great soever the difficulties and discouragement, he should have one consolation in reserve, that the ruin in which he perceived the nation daily more and more involved, had not arisen from mere accident, but that its footsteps had been discovered and marked out in all its successive stages; consequently those who pursued this conduct would be totally guiltless of the calamities which were about to fall on the nation.

The vast importance of Plymouth to the maritime strength, and consequently to the preservation of this kingdom, against the attempts of bold or daring invaders, had been fully acknowledged on every side of the House. If, then, popular opinion, if his own particular knowledge, or the report and opinion of every respectable officer of rank and experience, who commanded there at the time stated in the motion, deserved any attention, he was warranted in inferring that their lordships would see at once the necessity of his proposed enquiry. To bring the motion forward in the best manner, was his wish, and the only difficulty which suggested itself to him on the occasion, was, whether it should be directed to the present state of that fortress, or be confined to its state and condition at the time the combined fleet appeared before it last autumn. Upon the fullest consideration, he was for taking the former course, because, either it was in a proper state of defence when the combined fleet appeared before it, and consequently continued so still; or, having been at the former period defenceless, ministry, more particularly the commander in chief, had taken the proper steps for that purpose. He had warned the noble lord at the head of the staff, immediately on the rupture with France, in 1778, and with Spain in 1779, and upon several subsequent occasions, of the necessity there was for taking particular care and paying every possible attention to the defence of Plymouth, and that part of the country. He had repeated his admonitions last summer, at the close of the session; and it was still fresh in their lordships' recollection, what a long discussion the subject underwent on the first day of the session. Under such circumstances, it was fair to presume, that Plymouth was in such a state of defence, as to stand the test of the most rigid enquiry, and that a knowledge of its real strength, instead of operating as an

invitation to the attack of an enemy, would have an effect the very reverse, and would discourage our enemies from any future attempt.

It might be objected to this, that it would be extremely improper to have the present state of Plymouth laid before the House; because, though no possible inconvenience could arise from any of their lordships being made acquainted with it, yet, notwithstanding every precaution that could be taken, it would be impossible to conceal it from our enemies. This was the old story, and a most ridiculous flimsy pretext it was, to keep their lordships and the public ignorant of every circumstance relative to our real situation; as if our enemies were not much better informed of the real number, state, condition, and situation of our troops and navy, our naval arsenals, fortresses, and different places of strength within the kingdom, not only than their lordships, but he believed he might add, than the noble lords in office, or what might sound still stronger, than the noble lord on the cross bench, the senior general officer on the staff.

Such were his general ideas; but lest it might be the means of conveying to our enemies a more minute knowledge than it would be prudent at this time to risk, he had, as well to accommodate the motion to the wish of some of his friends, as to obviate every possible objection on that ground, resolved to decline his original intention, and confine his motion for an enquiry into the state of Plymouth, as it stood in August last. He would not trouble their lordships by recapitulating the different particulars which had from time to time dropped in that House; he would not allude to any thing which had come out on the same subject in another place; nor insist upon the prevalent opinion without doors, which all united to fix and ascertain one established fact, "that Plymouth was in a most defenceless state when the combined fleet appeared before it." To know whether this was true, or if false, to disprove it, it was become highly necessary, not so much by way of retrospect as prevention, to go into an enquiry on the subject, and see to whom the neglect, if any, was imputable; and such a measure was become infinitely more incumbent upon their lordships, because by the present military arrangement of command, or government of the army, there being no commander in chief, or person responsible to that House, which was a

subversion of that defined principle of the constitution, that always presumes in every act of the state, in council, and every thing, flowing from the advice given in that council, 'that somebody is responsible in every department of government.' It was true, that the noble lord to whom he had so often alluded discharged the duties of a commander in chief. Why had not his lordship the unqualified appointment? He understood he had already possessed all the emoluments of the post; why, then, should his lordship be put into a situation for which he was not to be responsible, unless it were to evade all censure in the event of incapacity or neglect. Perhaps the noble lord had no power to act, but was under the direction of others. If so, he was ready to declare, that he sincerely pitied him; if on the other hand, his lordship possessed the power annexed to the post of commander in chief, as well as the emolument, he said, such a shifting, equivocal arrangement, was a flagrant imposition upon the public, and the whole of the military profession; because, every act, however weak, tyrannic, or unjust, might, to answer purposes according as circumstances should arise, be on this day shifted from the senior officer of the staff, and the next be thrown back upon his Majesty's confidential servants. There was, besides, another very urgent reason for the appointment of a commander in chief at this time, namely, the extensive military operations we were engaged in, in almost every quarter of the globe. In such a predicament, how did the case stand? No person was responsible for the military measures carrying on; they might be conceived in folly, planned in rashness, or have originated in treachery; but let them be ever so ill-judged, there was no man to whom blame could be imputed; there could be no redress, either by way of example or prevention. If this or that measure was imputed to the noble lord, he was prepared with a short answer: He was not responsible, for he was not commander in chief. Call the next under him to account, he gave a similar answer; and so on to a third, a fourth, &c. so that the responsibility was shifted from shoulder to shoulder, till it was impossible to fix it, unless we traced upwards, and concluded that the cabinet council discharged the duties of the commander in chief, or in the language of some in great confidence with their sovereign, that the King was his own com-

mander in chief, as well as his own minister.

In the instance of Plymouth last summer, it was singularly unfortunate there had not been at the time a commander in chief; for although the place was in a naked, defenceless state; though the inhabitants of the town, and the whole adjacent country and coast, were to the utmost degree alarmed; though in this deplorable situation of fright, terror, and real danger, during the time the combined fleet lay before it, which was upwards of 36 hours; even in this scene of consternation, and the people flying on every part from the water side, he said, the command in such a critical moment was divided between three persons, namely, the military officer or commander of the troops, sir David Lindsay; the admiral of the port, lord Shulldham; and the commissioner of the dock yard, Mr. Ourry; though not one of them had a controul over the other, nor any instructions to act in case of emergency. The governor of Plymouth, lord Waldegrave, was in London. The moment he heard of the situation of the place, he proposed to repair to his government, but an insurmountable difficulty arose. The noble lord, the governor, was a senior officer to the noble lord at the head of the staff, and of course could not serve with propriety under a junior officer. This was another inconvenience which arose for want of a commander in chief; for in that case, the noble earl who was governor of Plymouth, might, agreeably to the rule of the army, have served under the noble lord. The noble earl to whom he had so often alluded, was an officer of long experience, and tried courage and ability. He did not speak from hearsay, he had himself been a witness of his professional skill, and how well he deserved from his country. The circumstance he alluded to was, his being present at the battle of Minden, when he saw the noble earl lead up six regiments of British infantry, which alone stood the shock of the whole French army; and after one of the most gallant efforts ever made, with very little assistance, put it to flight, and obtained a signal victory, though outnumbered ten times over.

Such being the case, it was not only that all responsibility was gone, in respect of military measures, but that we were likewise deprived of the assistance of some of our most gallant officers; and that at a time when we stood most in need

of them. The merits of the noble earl were passed over, because not being on the staff, it was impossible he could serve beyond the limits of his government; nor even then, if the present noble lord, senior of the staff, should happen to be there. In his opinion, therefore, his Majesty's ministers ought to advise the King to invest the noble lord with the post, as well as emoluments, of commander in chief.

Before he sat down, he thought it necessary in order to rescue the honour of a brave, able, and distinguished officer from that stain which he conceived had been cast on both, by the noble lord ostensibly acting at the head of the army, to take notice of an expression dropped by that noble lord in a former debate. If the expression was not used, the noble lord would doubtless thank him for offering his lordship an opportunity of contradicting a report which had gone forth; and if it had been used, he had a right to presume that the expression dropped in the inadvertency of debate. The officer he alluded to, was sir David Lindsay, who in April 1779, was appointed to the command at Plymouth. Sir David had some time since done him the honour of a visit, and asked him whether the noble lord at the head of the staff had said, that he (sir David) requested to resign the command at Plymouth; and that he had been removed from that command merely upon his own application to resign? In answer to this question, his grace said, that he so understood the noble lord. On which sir David expressed great uneasiness, and recited all the particulars, fully satisfying him, that so far from the fact being such as the noble lord was supposed to have stated, the idea of his resigning the command at Plymouth, had been first suggested to him by the noble lord himself; for sir David assured him, that so far from wishing to resign his command, he had offered to serve under whoever might be appointed to the post he then occupied. It was true, he had refused a command. He had been offered that of the troops in the north-western part of the kingdom, at Whitehaven, but he declined the offer, and that for a very good reason, as it would have been extremely improper for him to quit a place which promised to be the immediate scene of active service, to go to the extremity of the kingdom. His grace likewise called to their lordships' recollection another expression which fell from the noble lord in a former conversa-

tion on the same subject. It was, when his lordship, being pressed on account of the defenceless state of Plymouth, replied, If it was defenceless it was not his fault, for every thing which could be reasonably expected from him had been done. This clearly was an implied censure on those who were entrusted with the execution of his orders, and would come out, upon enquiry, not to be the case; for as to the defence of Plymouth, there was no person designed by rank or special appointment to defend it; and if there had, he should prove, that the place, if attacked, must have fallen into the hands of the enemy.

His grace pointed out the cruelty of taking away an officer's character by false surmises and unfavourable conclusions; by laying before the public only such facts as answered the purpose of the person who stated them, and concealing those which he foresaw would make against him. It was very easy to state a general fact, that sir David Lindsay requested to resign. He did so; but then under what circumstances? It bore a great appearance of candour in the noble lord, to offer sir David another command; but then the offer was such, as sir David must, from the nature of it, reject. Again, what was the cause of his resignation became another question: in the one instance, it was equally convenient to the noble lord to say, that he had done every thing which depended upon him, and that if Plymouth was in a defenceless state, it was not his fault. Here was conditional blame thrown some where; and on whom was it so liable to lie as the person invested, at the time, with the command? Whereas, upon enquiry, expressly the contrary happened to be the case. Such being the manner the affair struck him, so far as the particulars related to the noble lord and sir David, he was firmly persuaded that the noble lord would rejoice he had it in his power to do justice to an able and gallant officer, whose character might have suffered through the inadvertency and ambiguity of his expressions. His grace then moved, "That this House will, on the 2d of May next, resolve itself into a committee of the whole House, to enquire into the state of defence of the counties of Devon and Cornwall, at the time when the combined fleets of France and Spain appeared off this coast in August last; and particularly into the measures which had been taken previous to that period, and whilst the

enemy's fleet remained in the Channel, to put the port and dock-yard of Plymouth into a condition to resist the enemy, had they at that time directed their force towards that port; and likewise, to inquire what persons were responsible for the security of objects of such vast importance to this nation, and into the manner of such responsibility."

The Earl of *Pembroke* seconded the motion, confirmed every thing which his grace had adduced in support of it, and delivered his sentiments fully and distinctly relative to the bad conduct and government of the army in general; affirming, that the administration of that, as well as every other department civil and military, was equally weak in itself, injurious to the individuals of the profession, and destructive to the service. Indeed, it presented little more than daily instances of partiality, insolence, tyranny, baseness, and open or concealed malice. If any system was now visible, it was a system of undermining; of ruining the professional reputation of officers; of driving them from the service. It had lately been practised in many instances, which he should forbear to mention. As to the navy, the system he had been describing was well known to exist, and its pernicious effects were too fatally felt. Some of which were, that we had been deprived of the assistance of some of our most distinguished naval characters, among others, a *Keppel* and a *Howe*. It was not even the services of those gallant officers that constituted the sole loss; it was their high professional reputation, and the confidence which their characters inspired both the navy and the whole nation with; while, on the other hand, discontents and want of that confidence were visible on every side. Many attempts, it was true, had been made, and means tried to vilify those able seamen, and to traduce both their public and professional characters, but in vain. The people in general, and the navy in particular, earnestly wished for their return to the service. In the army, the same system of favouritism and oppression prevailed, though he could not say that the evil effects were so pernicious in their nature; yet, if followed up with the same steadiness, he made no doubt but the consequences might prove equally destructive. The great source of this evil arose from the new device of giving temporary rank. By this scheme, inferior officers, and even persons who had never seen service, or

before the date of their commissions, been enrolled soldiers, were put over the heads of gentlemen who composed the great mass of the officers of the army, the field officers, captains of companies, and veteran lieutenants. In some instances, subaltern officers, in others, new comers, who hardly knew the right end of a firelock, were put over the heads of lieutenants, colonels and majors, of 30 and 35 years standing; and the whole class of captains, much the greater part of whom had been in service for at least 20 years; and nobly distinguished themselves both in the former and present war, in almost every quarter of the globe. His lordship repeated his hearty approbation of the motion. The state of Plymouth, last year, ought to rouse the attention of every Englishman, and excite his indignation. Such gross inattention, such obstinate and unaccountable negligence, in his opinion, called for condign punishment. It was criminal in the highest degree, and could have originated in nothing but treachery, or the most gross, dull, and flagrant incapacity. Such he predicted would continue to be the state of public affairs, so long as they continued to be administered by those, who at present held the reins of government; and more especially, so long as the noble earl was permitted to preside at the head of the Admiralty, who, on a former occasion, when the appearance of the combined fleets off Plymouth furnished matter for some observations from the side of the House on which he had the honour to sit, presumed to treat the matter with levity, and seemed to make no other impression on his lordship, than to recall to his mind the ludicrous allusion to the old couplet,

"The king of France with forty thousand men,
Went up the hill, and so came down again."

His lordship concluded, with asking what serious good could be expected from a man, who could treat a fact of so alarming a nature, and which had thrown the whole kingdom into a panic, in so light and improper a manner?

Lord *Amherst* rose to explain the words said to have fallen from him upon a former occasion relative to the resignation of sir *D. Lindsay*. He believed what he said was, that sir David desired to resign, and that his resignation was accepted.

Lord *Stormont* said, if he had considered the question merely as a military one, he should have felt his own inability to speak to it, especially after it had been supported

by two noble lords of such great professional experience; but as he considered it rather as a political one, he would state his reasons for objecting to it. The motion went to the proposing an enquiry into the state of Plymouth last year, when the combined fleets of the enemy had appeared before it. With great deference to the noble duke, the motion and the inquiry it led to, were, in his opinion, full as objectionable now, as they would have been in the other case. If the inquiry was gone into, a full and minute description of Plymouth, its vicinity, and all its parts would come out. In such an inquiry, as Plymouth, like every other place, had its vulnerable parts, those parts must necessarily be stated; he appealed, therefore, to the noble duke, whether it would be wise to put the enemy in possession of that sort of intelligence, and whether, in fact, it would not be aiding their cause, and weakening our own? While we were at war with France, the government of that country being absolute, she thence derived advantages which our free government did not give us, and it would of course be a degree of political folly, bordering upon madness, to assist the enemy with intelligence of so important a nature; indeed, there already subsisted a greater degree of intercourse and communication between this country and France than he wished. The proposed inquiry was not like an inquiry into the loss of Minorca, after the fortune of war had put it into the hands of the enemy, or into the loss of a battle; in either of those cases no injury could arise from any discovery. The present inquiry was into the state of Plymouth, which narrowly escaped an attack last summer. With regard to the truth of the facts alluded to by the noble duke, possibly it might be true that there was not a sufficient number of troops to do the duty at Plymouth; but then in considering that, noble lords ought to recollect, that if the fact were so, it might arise from causes far different from those of neglect, or criminal inattention. Perhaps the fact was, that as many troops were in Plymouth as the necessary distribution of the force in the kingdom for the various services would allow. While the army was not sufficiently large to answer every end, and to cover every weak part of the kingdom at one and the same time, all that was in the power of human wisdom, was to cover those parts first which were most vulnerable. Taking it for granted, however, that Ply-

mouth was as defenceless as the noble duke had stated, and that its being in that condition was owing to criminal neglect in some person or other, what pressing necessity was there to go into an immediate inquiry, and to risk the danger that might arise from publishing to our enemies where Plymouth was least strong, merely to ascertain to whom that weakness which existed last summer, but which now no longer existed, was imputable? Why not defer it till a proper time; till the possibility of any danger arising from it should be past doubt; till the war was at an end, and we had peace? He thought that would be by far the wisest way of acting upon the occasion, and therefore he should give his direct negative to the motion.

The Duke of *Grafton* pressed their lordships to consider the motion with all possible attention. It was a matter of the very first importance, and if adopted, would operate both in point of prevention and example. He had conversed with several officers of rank, who all agreed, that Plymouth was in a most defenceless state, in respect of troops, men to work or point the artillery, and military stores of every denomination. His grace said, he could scarcely refrain laughing, when he heard the noble viscount in the green ribbon, solemnly expressing his fears for the dreadful consequences which might ensue, in case the defenceless state of that fortress, as it stood in August last, should now come to the knowledge of our foreign enemies. The noble viscount could not forget, that he himself must have derived some knowledge how very different the real state of the case was, in respect of powers jealous of each other, even in a time of peace, much more in a time of war, when so much depended upon good and certain information. The noble viscount well knew how much it was the duty of the person who had the honour to stand in the situation he did, to press those entrusted with the conduct of affairs at foreign courts, to gain the most authentic information respecting every thing which concerned the state, condition, and situation of the country where he resided; consequently, the noble viscount could not be ignorant, by a parity of reasoning, from what he had learned himself as a public minister abroad, how well informed the court of Versailles was of the state of Plymouth, as well now, probably, as in the month of August; he hoped, therefore, that the noble viscount would agree with him, that the state of

Plymouth, its weak and strong parts; where it was vulnerable, where it was not; the several strong posts in its neighbourhood, the nature of ground, ports, &c. were as well known to the court of Versailles, as to any one noble lord in that House, without exception; or to any one military officer in the kingdom.—He could not sit down without making one short observation on another curious argument made use of by the noble viscount. That was, where his lordship confessed his total ignorance of military matters; but rose to oppose the motion, merely as a question of state. This argument plainly imported, that Plymouth was not in a proper state of defence at the time alluded to; and the noble viscount's opposition was evidently founded upon the idea, not that it would be the means of conveying to our enemies but to the people of England, the criminally neglected state of Plymouth in August last.—His grace concluded with affirming, that he believed most sincerely, that nothing but the direct interposition of Providence had saved Plymouth from falling into the hands of our enemies; for he was clearly of opinion, that that important fortress must have fallen, had it been attacked.

Lord *Townshend* declared he differed entirely from the noble duke, and that he was far from thinking Plymouth was last summer in the defenceless state described; that in fact he had good reason to believe the contrary; and that so far from imputing its not being taken to the interposition of Providence, he imputed it to a very different cause, to the enemy's knowing it was too strong for them to attempt an attack upon it with any prospect of success. He declared he wished they had attacked it; he was aware that would be deemed a bold assertion, but he made the assertion, because he had every reason to believe, that the enemy would have had the worst of it. He had a letter in his pocket, from the principal officer in the artillery at the time, giving him an account of the real state of the place. He objected to the motion for more than one reason. In the first place, if the enquiry were instituted, the witnesses must necessarily be the officers employed in the various situations at Plymouth, who must be all sent for, and detained in town from their duty, when, perhaps, their services were essentially necessary down at Plymouth. In the second place, if military officers were examined to military points at the bar,

various topics would be differently discussed; different opinions would be given, and those different opinions going out to the world might do a great deal of harm. In the third place, he did not believe that Plymouth was in the condition that it was stated to have been at the time. As he scorned little excuses, he would fairly and directly state the truths he was in possession of to the House. He then produced a letter from major Anderson, of the artillery, dated Plymouth, Dec. 6, 1779, which he read. The letter contained a description of the state of Plymouth last summer, and contradicted the various reports that had been circulated relative to its supposed weakness. It minutely described the situation of the batteries, and the number and size of the guns mounted on each, shewing that a ship of war, which could get into Hamoaze, must first face the fire of 76 cannon of very heavy weight of metal. It also stated the number of men to each battery, and in what manner seamen who were used to fight guns, were sent by the admiral to do the duty, and after the enemy's fleet were gone away, were returned to their ships, it being first settled that they should be again sent on shore immediately upon a signal being hoisted from Maker Tower on the sight of a fleet's approach. After reading this letter, and commenting upon it, he proceeded to inform the House that the writer of it was chief in the artillery command at Plymouth last August; his lordship declared that he had himself gone down and inspected every thing that fell within the line of his office, and had found every thing as it should be. He concluded with declaring, that he had said so much to convince their lordships that he was not one of those who voted either from influence, or because others led the way, but that his giving his vote against the motion, was founded upon reasons which, to his own mind, appeared sufficiently strong to render it impossible for him to vote any other way.

The Duke of *Richmond* expressed his astonishment that the noble viscount should give an opinion as to the strength of Plymouth, &c. directly contrary to the opinion of every officer who had lately visited those parts. His grace then went into an examination of the argument of lord Stormont, ridiculing it as weak, ill-founded, and inapplicable in every part of it. The noble viscount in the green ribbon had declared that had he considered the

question as a military one merely, he should have held himself incapable of speaking to it; taking it either way, either as military or political, the noble viscount's speech proved him incapable of treating it with any degree of argument. As the noble viscount was so totally destitute of professional knowledge, he would help him to a little by telling him, that where a place of consequence was weak in point of garrison, it was possible to strengthen it by breastworks, and other works thrown up before it, till reinforcements could be had from a distance. That Plymouth had neither a strong garrison nor strong works, and the criminality lay in the noble lord at the head of the army, sending neither men to reinforce the one, nor materials to strengthen the other, when the weakness in both had been made known to him. In order to prove that he had been warranted in stating that Plymouth was criminally defenceless in August last, he would go into a detail of those facts, which he had promised to open, if he was not allowed to produce them in a more regular mode by the examination of evidence.

His grace then opened a thin quarto manuscript volume, from which he read sir David Lindsay's state of every occurrence which had taken place relative to Plymouth, from the hour of his being appointed to the command, to the hour of his resignation, including an account of his epistolary correspondence with lord Amherst, from first to last, the whole drawn up in a most clear, correct, and convincing stile of history, and amounting to a series of charges against lord Amherst of the most serious nature. The detail stated, that though sir David was in town a month between the time of his being appointed in April 1779, and his receiving orders to go to his command, he never once obtained an interview with lord Amherst; that he had no opportunity therefore of talking over his instructions, or knowing what sort of discretion he was entrusted with on an emergency. That when he arrived at Plymouth, and had examined the state and condition of the place, he found it most astonishingly defenceless, the lines miserable beyond description, the force not nearly equal to the duty, which was considerably increased by his having 1,000 French prisoners to guard; that 500 recruits were sent him, but that so far from their turning out a reinforcement, half of them were pressed men, and the whole so mutinous,

that they required troops to guard them instead of their assisting in the duty of the place; that though the guns on the batteries required 1050 men to work and fight them, there were only 35 matross invalids for the purpose; that there was a want of wadding, ramrods, &c. and in short, he was under the necessity of writing up word that the place was not tenable against an attack. The detail then proceeded journal-wise, and stated from day to day what was done on the appearance of the fleets of the enemy: that though word had been written down to him, that assistance would be given him from the navy, as soon as asked for, he with great difficulty, and after much delay, obtained a number of seamen to fight the guns, but not near the number necessary, and that no great dependence was to be placed in them, upon many accounts. The narrative stated a number of other strong facts, containing an account of repeated applications to lord Amherst upon the various heads of complaint; his lordship wrote him word, that he thought he was eager to discover and multiply difficulties, and if he was displeased with his command, he did not doubt but his resignation would be accepted, and he might have the government of Whitehaven. That sir David took the hint, and sent up a request, tendering his resignation, as he felt himself inadequate to the command under the difficulties he met with, but offered to serve under another officer, expecting that the governor, lord Waldegrave, would be the person sent down. That this offer was refused, and general Haviland was sent down, whereupon sir David would not accept of the command of Whitehaven, as he should consider it an imputation on his honour to go from a place of actual service, to a place where no actual service was likely to occur.

Having read this detail to the end, his grace made several severe remarks on the conduct of the noble lord at the head of the army, and said, that unless sir David's narrative could be flatly contradicted, great blame was imputable somewhere, and that the whole must have arisen either from neglect or ignorance, each of which were equally criminal. His grace also attacked administration in general for their conduct respecting Plymouth, and particularly censured the Admiralty for ordering the work of the boom to be stopped, contrary to the joint advice and

orders of the admiral, the commander on shore and the commissioner, who being upon the spot, were certainly the most able to judge what was proper for the defence of the place.

The Earl of *Sandwich* went much into detail; described the maritime situation of the town, the channel or port which leads up to the dock-yards, the several batteries that commanded the entrance and the channel; and particularly, the great strength of the hill and island batteries. He was free to acknowledge, that two opinions prevailed respecting the strength of Plymouth; for while some described it as almost invulnerable, others represented it to be in a very defenceless state. For his part, he ventured to think for himself. He had been frequently at Plymouth, both by land and sea carriage, and as far as a person not regularly experienced in naval and military warfare could form a judgment, he was tolerably well entitled to venture to give an opinion. He made every enquiry in his power, not only of sea, but land officers, of the state of the place, and in particular of the admiral of the port (lord Shulldham) that very morning, who confirmed to him every thing which had been asserted in the course of the debate, by a noble viscount (Townshend). When he had approached the port himself by sea, he could plainly see the narrowness of the channel, and its serpentine course; and as far as he was able to judge, sincerely protested, that it struck him as an attempt absolutely impossible for a single ship (for no more than one ship could venture in at a time) to make its way under the fire of 70 or 80 pieces of cannon, from five different directions, by which she would be subject to be raked every cable's length she should proceed; and at the same time be open to the fire of the ships of war in the harbour. He had enquired about the want of matrosses, or men to fight the guns; he was assured by the same noble lord, that the crews of the ships landed for the purpose fully supplied that want; and that had the enemy dared to come, they would have been covered with shame and disgrace. As to the particular wants which had been mentioned with an air of so much exultation; he believed the charge, if examined, would be found equally ill-founded. Powder, he was convinced, was both in the magazine and several repositories in very great abundance, and balls too.—The noble duke had said

a great deal relative to the putting a stop to the going on with the boom, to be laid across the channel, in order to prevent the enemy entering the port, seaward; and presumed, that he had sent captain Le Crass, on purpose to prevent the measure. His grace likewise complained much that the commands were divided, and that there was no power on the spot to order or direct the joint operations of defence. To the first, he could say, that he did not send down captain Le Crass, upon any particular errand, more than to be present aiding and assisting with his advice; and as to the boom, for the reasons before assigned, the total impracticability of entering the channel, unless the town and dock-yards were commanded by a superior land force; he thought it a very improper measure, as it would cause a waste of time and hands which might be better employed, and create an unnecessary expence: and as to the divisibility of command, he presumed it arose from the nature of the place, it being at once a port, a garrison, and naval arsenal; but be that as it might, he presumed, that was not imputable to the neglect or inattention of the board at which he had the honour to preside. His lordship concluded with asking whether their lordships would think it prudent, by agreeing with the motion, to give our enemies a kind of invitation to attack us, by acquainting them with an exact professional description of all the hills, headlands, rivers, passes, defiles, &c. in the vicinity of Plymouth? For his part, though he trusted that the enemy would repent of it, if they came in consequence of such an invitation, he was not so fond of the romantic and marvellous, merely to court danger for the honour of braving it, and coming off victorious.

The Earl of *Shelburne* said, before he went into a discussion of the motion, he must beg an explanation from the noble viscount in the green ribbon, of certain words which he had taken down at the time the noble viscount delivered them, and these were "that a greater degree of intercourse and communication subsisted between this country and France, than the noble viscount wished." The reason why he desired to have a full explanation of these words was, because as calumny was now so freely circulated, and not only aimed at Whigs who were dead, but at Whigs who were living, striking at the highest characters, at men of the first rank, of the most respectable talents, and of the

most noble principles, it was highly necessary for that House to know whether noble lords in the first departments of the state, not only privately encouraged those calumnies, but in public debate gave them their support by insinuations, which seemed to corroborate and confirm them. Their lordships would immediately conceive from his description of the characters at whom these calumnies were levelled that he did not mean to include himself in the number, not having the honour to be enrolled in the party thus pointed at, although he had been as much and as grossly scandalized that way, as others. But the person he alluded to, was his noble friend, (the duke of Richmond) who had been lately vilified in the most abominable manner. He said the channels through which these gross calumnies were circulated, were so low and filthy, that he should have thought them unworthy either of his own notice, or that of any one of their lordships, had he not lately to his utter astonishment seen, that the falshoods they teemed with, had more credit paid to them than he had imagined, and that sir Thomas Broughton, in his speech at the Cheshire meeting, had adopted the idea, and alluded to it in a remarkable manner; and more than one allusion had been made to those fabricated falshoods, in another place. His lordship adverted to the pretended informations that were given to the secretaries of state some years ago, against the first personages in the kingdom, charging them with crimes of the most horrid nature; he begged therefore to know if any thing of the same sort was going on now, and for that reason he called upon the noble viscount in the green ribbon to declare, whether in his former situation as ambassador to the court of France, or in his present situation as secretary of state, any information had been given him, amounting to a charge against any one member of either House of Parliament, for carrying on a treasonable correspondence with France, or any of the enemies of the country. He expected to receive a direct and explicit answer; and hoped that the old game played by Mr. Dig-
nam, whose fate and deserts were well known, was not meant to be repeated. If any second plot was now hatching, let administration come forward like men, make their charges and quote their authority, and not like the lurking assassin, stab with promised impunity, under the protection of darkness; or basely whisper,

hint, and insinuate, when they dare not speak out for fear of public detection.

Lord *Stormont* said the words he had used were round, plain, and direct, and therefore he should not scruple to give them a round, plain, and direct interpretation, as he really meant them. He declared, he never in his life had made use of a personal allusion to any of their lordships; that in the present case he had no intention of making a personal application; that he meant merely to allude to a sort of intercourse carried on between this country and France, since the commencement of hostilities, which he feared was attended with very mischievous consequences: an intercourse, he said, which was carried on with as much indifference as if the two countries were in a state of perfect and profound peace. Through this channel, he did not doubt, but much intelligence was communicated. This and this only was his meaning; he knew his own situation better, and what was due to the honour and dignity of their lordships, than to confound 'treasonable correspondence,' with the words 'communication' and 'intercourse,' or to throw out loose and random allusions to the former in public debate.

The Earl of *Shelburne* contended, that the answer now given was by no means satisfactory. The communication stated by the noble viscount, was a communication that had for some months ceased to exist; but whether or not; the noble viscount either alluded to some inconvenience or bad consequence, which arose from the present intercourse with our foreign enemies, or he did not. If the former, he presumed the noble viscount could be no stranger to the delinquents; if no evil existed, then what had fallen from his lordship, might pass for no more than a figure in debate. The alternative was held out fairly to the noble lord to make his choice; that no evils existed, or if they did, they arose not from any correspondence, carried on between any of the members of either House and our foreign enemies.

Lord *Stormont* appealed to the House, whether he was bound, upon the requisition of any one lord, to answer to matters of state, the knowledge of which could only have been gained through the channel of office? He knew if the House insisted on it (though he believed he might stand excused even then in some instances) he must and would answer; but this he had

always understood, since he had the honour of a seat in that House, was not the case upon interrogatories being put by an individual lord.

The Earl of *Shelburne* so far agreed with the noble viscount as to acknowledge, that he was not bound, as a matter of right, to answer questions which any individual lord might put to him, but he believed there were a great number of questions that might arise in the course of a debate, which though put by an individual lord, might afterwards become the questions of the House, and to which it would be incumbent on any noble lord to give a direct answer. But waving the right, for the present, or the application of the general rule, he wished to appeal to the noble viscount's courtesy, considering the daily libels which were published against his noble friend near him, and several other noble lords, to remove every appearance of doubt on the present occasion.

Lord *Stormont* said, he did not think himself bound to answer questions put to him by individual lords, and consequently he could make no other reply, but what he gave before, which was, that when he spoke of an intercourse between France and this country, he had nothing more in contemplation, than the inconvenience arising from an uninterrupted communication between two powers at war.

The Marquis of *Rockingham* observed, that the noble viscount's conduct was unprecedented. As a person in high trust and confidence with his sovereign, and from his office, supposed to be peculiarly conversant with every matter of importance, pertaining to the state, whatever fell from the noble lord came with great weight. The noble viscount laments the intercourse which subsists between us and our enemies. He wishes it were at an end. His lordship must surely have some special reason for this wish. The noble earl who took up this business, concerning the abuses and falshoods daily propagated in the prints, supposed to be devoted to the views of government, calls for an explanation, which is denied him. This was leaving the matter loose and unexplained; particularly since a noble duke's name had been introduced into the debate. His lordship reprobated the conduct of administration, in hiring and paying a set of assassins, to stab some of the first characters in this kingdom. He contended, that the matter had now taken a serious appearance, and that the noble vis-

count was bound not to leave the House in suspense, relative to the ambiguity of his expressions.

The Earl of *Coventry* highly disapproved of the language held by the noble viscount. It was their lordships' duty, not to permit any of their members to lie under ill-founded imputations. It was equally so, when an accusation came from a person of the noble viscount's rank and character, and positive relation to the state, not to permit it to be passed over in silence. He thought it incumbent upon their lordships, to oblige the noble viscount to answer upon his legs.

The Duke of *Richmond* said, he believed no age or nation was ever a witness to so many attacks as had been made upon him in the public prints. All equally scurrilous and false; but some of them founded in the most deep and rancorous malice. What principally distinguished those attacks from all others was, that the authors not only endeavoured to traduce him, but to render him odious to the rest of his fellow subjects: were publicly encouraged and countenanced to stigmatize him as rebel and traitor; and he had every reason to be persuaded, rewarded by administration. To enter into particulars, would be unnecessary; he could not however avoid mentioning one paper in particular, which, day after day, endeavoured to render him an object of national detestation.

Lord *Stormont* refused to explain. He lamented, as much as the noble duke, the extreme licentiousness of the press. He denied that he ever either directly or indirectly gave any countenance to such publications, which, in his opinion, were a disgrace to the country where they were permitted. He had felt, while ambassador at the court of Versailles and since, the mischiefs arising from this species of licentiousness; and he was persuaded, that no one circumstance more contributed to the difficulties we had now to contend with than the prints published in this country, and the speeches and conversations in that House, which, whether they were truly or falsely represented, never failed to be productive of much mischief.

The Duke of *Grafton* did not see how the noble viscount could leave the House, or their lordships adjourn, consistent with their own honour, till his lordship consented to give a full, explicit, and unequivocal explanation.

Lord *Dudley* insisted that the noble

viscount was not obliged to explain, upon the requisition of any member, unless it was first determined by the House that he ought to answer.

The Duke of *Manchester* said, that after what had fallen in the course of the debate, all doubt of the propriety of the desired explanation was clearly out of the question. The charge when first made was general. It might apply to any man indiscriminately, but the exception of the noble duke and others being the persons meant, having been refused, gave the charge a new shape, and amounted very nearly to a specification against the noble persons, whose names had been mentioned. This being his idea, he was determined to take the sense of the House upon it. His grace accordingly moved, "That notice having been taken of some words spoken by lord viscount Stormont, one of his Majesty's principal secretaries of state, in the course of his argument, and thought to allude to certain noble lords; and the question being thereupon put to him, but the said noble viscount declining to give any answer—resolved, that he be requested to answer on his legs."

Lord *Ravensworth* approved of the motion; but believed it was not entirely regular, as the words spoken should have been stated as a ground for the resolution. He said, there were numerous instances in their lordships' journals where lords had made use of improper expressions, upon which the House insisted on explanations; and in cases where the party who made use of the expression, refused to answer or give satisfaction to the House, he had been ordered into the custody of the black rod; and he believed, upon more than one occasion, had been sent to the Tower.

The *Lord Chancellor* said, that proof should be made of the objectionable words, that was the species of proof which the words were capable of, such as the acknowledgment of the noble lord, the assertion of the noble lord who took down the supposed words, or the general sense of their lordships. In the case now under consideration, supposing the noble duke's motion to be regular, nothing could be considered but the words first spoken. For his part, he was so dull as not to be able to perceive how those words could be said to apply to the noble duke more than to any individual in the kingdom. The noble viscount, in the course of his argument, observed, that there was too great an intercourse kept up between this king-

dom and our foreign enemies. Did any one of their lordships doubt the fact? The noble viscount stated the nature of this intercourse to be a general one, by the way of Margate and Ostend. His lordship had said further, that he meant not to apply it to any man, or body of men; and in this exact state the matter rested. For his own part, he could perceive nothing offensive; and as to what had passed since, it was impossible, in his opinion, to make that a ground for the proposed resolution.

The Marquis of *Rockingham* said, the noble viscount meant to trifle with the House, or he must have had some reason for making use of the expression he did. If the former, it was a most unjustifiable deviation from the established rules of debate, and rendered his lordship's conduct unpardonable, by leaving the House without giving the explanation desired; if he knew any traitors or treasonable correspondence going on between persons on this side of the water and our natural enemies, and concealed it, then he was guilty of one of the highest crimes known to our law, that of misprision of treason.

Lord *Camden* pursued the same idea, and maintained, that the ground had entirely shifted, since the first occurrence happened, which had been stated by the noble lord on the woolsack. Reports had been spread relative to the supposed conduct of a noble duke, as well as other noble lords. One of his Majesty's secretaries of state complains of the improper intercourse between this kingdom and the foreign states now at war. A noble lord rises and demands an explanation. The noble viscount refuses, but tells you the channel by which intelligence is, or may be conveyed. What more? When he is asked, whether he meant this or that noble lord; he says, he will not answer that question, though he tells you of the numerous mischiefs that have resulted, and may continue to result, from such a conveyance. He hoped, however, that the noble viscount would upon further recollection think better; otherwise, though perhaps the noble duke's motion might require to be new modelled, most certainly he would vote for the question, should it become necessary.

The Earl of *Shelburne* attacked administration, on the encouragement given to Dignam. If the noble viscount alluded to any correspondence of his, he put him at defiance to produce it. There was a

man with whose correspondence and confidence he had been honoured, and whose confidence and correspondence might be well deemed an honour to the first crowned head in Europe (Dr. Franklin) as a philosopher, a man of talents, a politician, and the steady and unalterable friend of human kind. It might in the contemplation of some men, be treasonable to correspond with such a man; but he despised the folly, and abhorred the malice, that could construe a literary, friendly correspondence with such a man, as importing a design to overthrow the liberties of his country. His intimacy with that great philosopher, was at all times a matter of pleasing reflection to him; and in his estimation, would be deemed the highest honour which it was in the power of fortune to bestow.

Earl Gower said, he did not find himself exactly disposed to fall in with the arguments which had fallen from either side of the House; at least the mode of applying them to the subject matter of debate, were far from meeting his ideas. Most clearly, if any noble lord thought himself particularly pointed at in debate, and demanded an explanation, such demand was not by the usage of parliament, deemed a request from an individual member, but a request made under the sanction and protection of that body to which he belonged. In this, as well as every other matter respecting the order of their lordships' proceedings, it belonged to the House to determine how far such desired explanations were or were not proper; otherwise it would be impossible to conduct business in either House of Parliament. Offensive words spoken in debate, either reflecting on the House itself, or directly or indirectly charging any of its members, subjected the speaker to censure, if he did not either explain or retract his words; or if they imported personal accusation, if he did not pledge himself to prove the accusation made against the party. There was no doubt, but that this was the established usage of parliament, time immemorial; and he so far agreed with noble lords who spoke to the question, that there were precedents to support the usage extant, on their lordships' Journals. If this was agreeable to the constant mode of proceeding, all that remained to be done, was to see whether the conduct of the noble viscount in the green ribbon brought him within the rule. What was the expression used by his lordship, which gave

rise to the present conversation? "That there already subsisted a greater degree of intercourse and communication between this country and France than he wished." For his part, he could see nothing, which the most fertile imagination could interpret into an oblique charge against any noble lord present. As the noble viscount, by inference at least, says he meant no allusion to particular persons; he would with all due deference, recommend to his lordship to say in one way, what he had more than once repeated in another, which would render the motion moved by the noble duke unnecessary, and continue no longer to interrupt the debate.

Lord Stormont rose once more, and said, he had not changed his opinion, as to the impropriety of calling upon him, to explain an expression which fell from him, when he first rose to speak to the original question; but as a proof that he had no intention to point at the noble duke, or any other noble lord, though he was not yet convinced that he was bound to so explain his words, he could now with truth assure their lordships that he had not.

The motion made by the duke of Manchester was withdrawn, and the original debate was now recommenced.

The Earl of Shelburne condemned the general government of the army in strong terms; particularly that part of it, which related to temporary rank. He affirmed, that all regard for merit was totally forgotten; that some of the best officers in the service were either neglected or ill-treated; and that every person who stood well with administration, no matter how little fitted by nature or habit to serve in the army, were put over the heads of some of the most distinguished veterans in the service. That valuable officer, colonel Musgrave, was, he understood, returning to Europe in disgust when his services were most wanted; because he could not serve under a person, that had, not long since, been a subaltern in a regiment of which he then had the command, as major. He said, no man entertained a higher esteem for the noble lord at the head of the staff than he did: yet he could not say, but he was much at a loss to reconcile his present conduct, to the opinions which a long and intimate acquaintance with the noble lord, had enabled him to form. He was too thoroughly convinced of the noble lord's professional talents and personal integrity, ever to believe, that the present

military system met with his secret approbation. The noble lord, he was sure, knew how mischievous such a system was, to give it his countenance, much less his support. He had himself, in his own person, proved fully how much it is the duty of government, at all times, to seek deserving men, to employ them, and reward them; and he would be one of the last who would abet any system which had for its principle an avowed intention of neglecting all military merit. Combining, therefore, what he saw with what he knew, he could no otherwise account for the insults daily put upon old, experienced, able, and deserving officers, than by supposing that his lordship had no power; and that he only acted under the directions of others, whose ignorance and gross inability could only be equalled by the temerity with which they daringly ventured to try the forbearance of a ruined, insulted, and betrayed people.

His lordship said, he had not seen Plymouth, in or about the period to which the present motion was directed: but he was not, however, a stranger to its real state of defence, at the time the combined fleets appeared before it. He had conversed with several officers belonging both to the military and militia, who were there at the time, and assured him, that the place was quite naked and defenceless: and must have fallen, had the enemy attempted it. He most heartily joined in the sentiments of the noble duke (of Grafton) respecting the absurdity of attempting to impose upon their lordships and the public, by pretending to dread that the proposed enquiry would be the means of conveying to our enemies, dangerous and improper intelligence. He could not well determine, whether more to despise or laugh at the folly of such a flimsy pretext. He could tell the noble viscount, what he presumed, he only affected to be ignorant of; that we had not a place of strength within the kingdom, of which our enemies had not the most accurate plans. When he filled the post of one of his Majesty's Secretaries of State, he had opportunities of being fully acquainted with the subject he was now speaking of. And he believed the noble viscount could not have so much mispent his time, in the character of a minister at a foreign court, as not to recollect, that one of his principal duties, after being in possession of the latest accounts, was to use every means in his

power to obtain a faithful state of all fortresses, arsenals, &c. within the kingdom.

The Duke of *Chandos* said, that nothing but the fullest conviction should have induced him to declare his sentiments. He was firmly persuaded, that Plymouth was in a defenceless state; it came confirmed to him from every quarter; and until he heard the extract read by the noble viscount, he never imagined that the fact had been so much as controverted out of that House. It was notorious besides, that Portsmouth, considering all circumstances, was pretty nearly in the same condition. His residence was in the county in which Portsmouth is situated; he was near it at the time the combined fleets were off Plymouth; and there was, he knew, a very inadequate force for its defence, had the enemy ventured up the Channel to attack it. The governor (general Monkton) did every thing that an able and active officer could do, to supply by care and attention, what was wanting in effective force; but he was satisfied, that that very important fortress, in case of a sudden attempt, would have run a great risk of being destroyed. If the proposed enquiry was to be followed by the bad consequences predicted, that of conveying improper intelligence to our enemies, he would be one of the first to rise in order to declare his dissent; but as he was not convinced that such consequences would arise, and as he thought that great benefits would be derived by putting ministers hereafter more on their guard, he was for agreeing with the motion.

Lord *Ravensworth* spoke on the same side, and described in forcible terms, the defenceless state of the north-eastern part of the kingdom, where he resided. He spoke of the affair of Paul Jones, his infesting the coasts, and keeping the inhabitants, from Hull to the Firth of Forth, for four months together, in continual alarms; observing, that during the whole time that celebrated free-booter was committing depredations on our coasts, our ships were lying idle in Portsmouth harbour; and when there was a force sent in quest of that pirate, it was such a force as only served to add to the strength of our enemies, and diminish our own. His lordship paid some compliments to the noble lord at the head of the staff, though truth obliged him to add, that he was either unfit for the high station he now occupied, or was prevented from acting

agreeably to his own judgment. In either event the service suffered: the country was left defenceless; and the government of the army, like the government of the state, was reduced to a mere system of faction, favouritism, partiality, public wrong, and personal injustice. Such being his ideas, he was zealous for going into the enquiry.

Earl *Temple* spoke with great energy, in favour of the motion, and was remarkably severe on the conduct and professional abilities of the noble lord, who acted in the capacity of commander in chief, or senior officer upon the staff. He said, it was with difficulty he could form an opinion, whether or not most to condemn his neglect or incapacity; or his notorious partiality in discharging the functions of his office. Of the first, he could furnish an anecdote, which came to his knowledge, that he believed was not to be paralleled in the military annals of any country. Of the latter, he could produce an instance, which happened in his own family, to a very near relation of his, which would let their lordships into the noble lord's character, more than any general declaratory charges; because what he was about to state consisted of facts, which the noble lord himself could not deny, because he knew them to be true. The anecdote was this: when the combined fleets were off Plymouth, the general who commanded at Coxheath, wrote up to the noble lord, at the head of the staff, for instructions how to act, in case the enemy should attempt a landing; and here it was worth observing, that the noble lord acting as commander in chief, though little more than 30 miles distant, never sent a single scrap of paper to the general. The answer given by the noble lord to the general's letter was he believed unprecedented. Their lordships might be curious: he would tell them: "That the general might act as he thought proper, or according to his own discretion." His lordship had written another letter of the same tenor, the day preceding, but it had not come to hand, at the time the general wrote. That this was not hearsay, he could assure their lordships. For then having the honour of commanding a battalion of the Bucks militia, forming a part of the advanced encampment at Rye; and the officer who commanded the advanced encampment, having written to the general at Coxheath for instructions, the answer he received was, the noble lord's letter enclosed, which letter was read in his pre-

sence, and in that of all the field officers in the general's tent, immediately upon its receipt. Before it was opened, every person was burning with impatience to learn the contents: when it was read, there was a smile upon every countenance in the tent. It might be presumed, that it was done only to create a laugh, the fact was otherwise; for he was certain, that the officer for whose perusal it was sent, by no means foresaw, that the letter would have been productive of so ludicrous an effect.—The other matter he alluded to carried with it a very different complexion. A near relation of his [his brother, Mr. Thomas Grenville,] had the rank of an ensign in the guards. When a noble duke (Rutland) offered to raise a regiment, he offered his relation a company in the regiment, and accordingly proposed him to the commander in chief. His lordship immediately objected, as it was contrary, he said, to the rules of the service, to admit an ensign to be appointed to a company. The noble duke informed his relation of the objection made. This induced his relation to treat for the purchase of a lieutenancy, in order to qualify him for his intended preferment, and the bargain was on the point of being struck, when the noble lord raised another objection. He said there was an ensign in the regiment ready to purchase, and consequently the treaty was at an end. His relation however made one effort more. He found out a lieutenant ready to sell, where there was no ensign able or willing to purchase. This circumstance was communicated to the noble lord, who conjured up a third objection, created merely to put a negative upon his relation's intended promotion; for here too, it was discovered that although there was no ensign in the regiment who chose to purchase, there was nevertheless an older ensign in the army than his relation, who would.—This was a narrative which called for no aid of colouring. His relation was an ensign in the guards, the next step therefore, he must get, would be in point of rank, that of captain; yet though Mr. Fullarton, who never served a day, was appointed lieutenant colonel; though another person was appointed colonel from being a captain; though a third was appointed likewise to the same rank from being only a subaltern, and in both instances, to the command of regiments; though a fourth failed in his application for a majority, but unknown to him, and without his previous consent

made a lieutenant colonel: notwithstanding all these instances, he said, it was well known that the brother of a noble earl (major Stanley) who was recommended by the town of Liverpool, could not obtain a single step after three vacancies; that the son and heir apparent of that great statesman, the late earl of Chatham, after having served in America and elsewhere since the commencement of the war, was refused to be appointed a major in the same regiment, and, although several of the first characters in point of rank and weight in this kingdom who had offered to raise regiments, were not even refused, but treated with the greatest contempt, and not thought worthy of an answer. Such being his worthy relation's treatment, the event took place which might be well expected. After having chosen a profession for life, feeling himself thus insulted, marked out, and proscribed, on account of the political sentiments of his friends, however mortifying to him, he relinquished a profession which he could no longer pursue, consistent with the principles of a man of honour. His lordship, after speaking very fully to the question, said, he would vote for the motion on more accounts than one, as he had not a single doubt in his mind, that if proceeded upon, it would come out in proof fully to their lordships' satisfaction, that either the noble lord was totally unequal to the filling the post of commander in chief; or that his lordship was a mere cypher, acting under the controul and direction of others.

Lord *Amherst* said, that the noble earl had arraigned his conduct in very severe terms respecting a matter in which a near relation of the noble earl's was concerned. As to the general state of the facts, they were tolerably correctly stated; but admitted of a very different conclusion from that drawn by the noble earl. If the rule of service was such as had been described, it was a rule equally applicable to every man; consequently, no man had a right to complain of a hardship. The hon. gentleman alluded to was an ensign; the rule forbid him to purchase, if there was an ensign in the regiment who would purchase. The hon. gentleman was a young ensign: another rule of service says, that the oldest ensign in the army, if there be none in the regiment willing to purchase, shall, if agreeable to him, have the preference before a junior. These were the rules complained of; if they were improper, that was clearly another question; but so long

as they continued to be considered as established regulations, it was his duty to see that they were punctually obeyed.—Noble lords had talked of partiality, concerning temporary rank, &c. To these charges it was difficult to find answers, because they were brought forward at different times, and urged in various shapes. As to giving temporary rank or raising officers suddenly from inferior rank, he was as much against it in the abstract, as any noble lord who censured it; but it was in his opinion become not only a justifiable, but a necessary measure. It could be only supported on the ground of necessity, and that necessity actually existed. Augmentations were wanted, and they could not be procured in the ordinary way; in consequence of which, the offers of raising regiments were accepted; and the same necessity that obliged ministers to accept of those offers, induced them to adopt the substitute of temporary rank. Whether those measures were the best, he would not undertake to say, but certainly such promotions were not unprecedented. The late marquis of Granby was appointed a colonel in the first instance, and on the ground of that promotion rose in the army. There were many other instances of noble men, who having raised regiments during the late rebellion, gained rank in the same manner; yet, he never heard that any complaint was made of injury having been done to the service thereby.—Several noble lords had complained, that certain propositions for raising regiments and corps were rejected, while others were accepted. For his part, he did not pretend to give an answer to the assertion. No application had been made to him, and if there had, he would not have acted upon it, but have laid it before the King, whose pleasure he would have reported. When his Majesty's pleasure was made known to him, it was his duty, so far as lay in his power, to carry it into effect. As to any particular part of his conduct, for which he was really responsible, he was ready to have it as closely investigated as possible; but he hoped, that noble lords, when they gave general opinions concerning his conduct, would endeavour to distinguish between what he transacted as from himself, and what it was his duty to do in compliance with the orders he received from others. He said, that sir David Lindsay had resigned at his own special request, and whether he had not, but was dismissed, he did not consider himself as accountable

either way. As to the defence of Plymouth, the noble mover stated, that on a former day in debate he said, that he had done every thing which depended upon him; and that if the place was not in a state of defence, it was not his fault: and that consequently, this was shifting the blame off his own shoulders, and throwing it on sir David Lindsay. Allowing the words to have been correctly stated, he could not perceive the justice of the conclusion; for they did not impute any blame whatever to sir David; besides, if he remembered correctly what he said, for he was little accustomed to speak in public, it was, that it was impossible for him to be every where; that he had given his orders, and if they had not been obeyed, it was not his fault; so that that expression, so far as it alluded to sir David, left the matter just as it found it. He meant not to criminate any person, what he said was in justification of himself, and was spoken conditionally; for if Plymouth was not in the defenceless state it was represented to be, which he believed was the case; the censure could not fall any where.

Lord *King*, in a maiden speech, spoke in favour of the motion: he condemned the conduct of ministry in very pointed terms, and attributed every particular misfortune which had befallen the country, since their entrance into power, to their treachery or incapacity. He said they had given the most pernicious counsel to their sovereign; that they had betrayed him, and deluded the people into a destructive war. For his part, he was at a loss to account for the conduct of those, who could continue to confide in men who had deceived them year after year, still holding up some new species of delusive hopes, which each succeeding year proved the fallacy, folly, or absurdity of. The support they received from a decided majority of that House, convinced him that the petitions of the people, and the votes of the other House, declarative of the existing undue influence of the crown in parliament, were as evident as any one proposition in Euclid. He said, the motion made by the noble duke met with his hearty approbation.

An altercation ensued between lord Townshend and the duke of Richmond, which closed the debate. The House divided: Contents 44, Proxies 7—51; Not-Contents 70, Proxies 22—92.

The Commons adjourn in consequence of

the Illness of the Speaker.] April 14. Mr. *Dunning* rose, and said he was sorry to understand that his learned friend in the chair was indisposed. He knew the temper and disposition of his learned friend too well, to suppose that such an intimation would come from him as long as he was able to keep his seat; but as he was about to propose a matter of the first consequence, and what from its nature might be productive of a protracted debate, he would be glad to know, before he proceeded, whether his learned friend was in such a state of health as would permit him, without injury, to do his duty.

The *Speaker* rose and informed the House, that he was indisposed, and had been so for some time; but notwithstanding that, he was ready to do his duty, sooner than retard the public business.

Lord *John Cavendish* acknowledged the high obligations which that House owed him for his manly and independent conduct, for his unremitting attention to the duties of his office, and his abilities in the station which he had filled for so many years. Probably a recess from the incessant toils and labours attending his office might prove the means of once more restoring his services to that House and the public.

The *Speaker* said, that for the last day or two he had been extremely ill. The constant attention to the discharge of his duty had greatly impaired his health; he was too full of gratitude and regret for past favours, and the apprehension that he must decline those services which it was at once his pride and duty to render to that House. He was advanced in years, and in a bad state of health: he feared the time necessary to the restoration of it, should that happen to be the case, would be much longer than the exigency of affairs would permit, and he therefore hoped the House would not impute to him any want of attention to the public service, any want of respect to them, if he declined remaining any longer in a situation in which he could not render himself serviceable, or answer the end of his appointment.

Lord *North*, after passing several compliments on the Speaker, observed, that there was a vast deal of business before the House, which it would be extremely detrimental to the public to postpone. He hoped the learned gentleman had no real thoughts of resigning; but if he had, and could not think of remaining longer

in his present situation, he thought it would be very proper for the House to know it in time. He trusted that would not be the case; suppose, therefore, the House should adjourn to Wednesday next.

Mr. *Dunning* then rose and moved, that at the rising of this House, it do adjourn till Monday se'nnight. He made this motion, he said, in expectation that his learned friend would, on that day, be able to fill that chair.

The *Speaker* again rose, and gave the following narrative of his illness: that he had been taken ill late in the month of February last with a very severe cold, as he thought, the effect of which was a severe cough, by which, at times, he was near being suffocated. He was in good health, and seemingly of a sound constitution, when he took that chair, and for the most part so till the period mentioned. His constant attendance there prevented him from taking medicine; for his physician, while he continued in the constant performance of his duty, thought medicine might be dangerous, but could administer no effectual relief. He continued in this state of health till the rising of the House before the Easter recess. He should have added, that his physician told him that it was a gouty complaint. He must confess, that he was almost worn out and exhausted before the recess, though he endeavoured anxiously to conceal it from that House. The recess in some measure restored him; but, as his physician informed him, the same disorder returned, though in a different way. The first day after the recess he was again attacked with a severe cold, which affected him on one side of his head, and continued gradually to increase till within the two last days, when it arose to a degree no longer to be borne, consistent with the proper discharge of his duty to that House. His physician had informed him, that it was the return of the same gouty matter which had again attacked him, though in a different part. He could undertake to promise nothing; but by what he could judge from his own feelings, he feared that he must decline his present situation. The noble lord in the blue ribbon he was much obliged to; but he was persuaded that a delay of one or two days would not put him in a state, or enable him to resume that chair.

General *Conway* said the season was such as would not admit of delay; that there were several matters of infinite con-

sequence before the House, which must all stand still, particularly a motion promised to be made by an hon. gentleman, respecting America, which stood for that day; if therefore the learned gentleman's state of health would not permit his attendance, he doubted not but there were precedents which provided for the indisposition of a Speaker, by appointing one *pro tempore*; if so, he wished most sincerely that those precedents might be resorted to.

Lord *North* said it was necessary to know, whether the learned gentleman, should the adjournment be put off till Monday se'nnight, had reason to believe that he would then be ready to attend his duty, because if he was, however inconvenient it might be, he should agree with cheerfulness to the motion now made; if, on the other hand, there should be no ground for any such expectation, he thought no time ought to be lost in the present pressing exigency of public business.

Sir *George Yonge* said, that a delay of a few days could be of no great consequence; that the Speaker's health might be restored, and that his return to that chair would be an ample compensation for the delay. Mr. T. Townshend and Mr. Fox said a few words to the same purpose.

The House then adjourned to Monday the 24th instant.

Debate on Mr. Dunning's Motion for an Address to the King not to dissolve the Parliament, nor prorogue the Session.]
April 24. The order of the day being called for,

The *Speaker* rose, and returned his hearty and sincere thanks to the House for their repeated kindnesses to him, during the time he had the honour of holding the distinguished situation to which they had elected him, but most particularly for their late very great indulgence to him, and the manner in which it had been granted. The latter, he said, had made so deep an impression on his mind, that he trusted it never would be erased; and he did assure the House in consequence of it, that the very important public business then before them should have no farther interruption on his account, being determined, contrary to the wishes of his friends, and contrary to the advice of his physicians, to persevere at all hazards in the discharge of his duty, at least for

the present session, provided he found himself at all capable of undergoing the laborious fatigues of his office, and as long as his services should prove acceptable to the House.

Mr. *Dunning* began with complimenting the Speaker on the recovery of his health, declaring, that the circumstance gave him as much satisfaction as he should have felt, had he proposed and carried the question on Friday se'nnight, which he then meant to propose, and which he then hoped he should carry. He said further, that he had other reasons to be well pleased that he had not proposed any question at the time to which he alluded, or on the day preceding, when another Bill, brought in by an hon. friend of his, had been under discussion, and which Bill, although the House had for reasons which had doubtless appeared to those who voted against it, sufficiently cogent and convincing, thought proper to reject it, he could not but consider, as tending materially to forward the object he had in view, in one instance at least, and that no inconsiderable one, and therefore, if his hon. friend would give him leave, he would then pay his tribute of thanks to him, for having brought it in. He said, he had more than once in the course of the day, on which his hon. friend's Bill was under discussion, thought of catching the Speaker's eye, but that he had forborne his intention, and he was now glad he had so forborne it, because having heard the doctrines that had been delivered in the course of that day, and having since learnt the fate of another Bill in another House of Parliament, which Bill was likewise calculated to further the purposes of the petitions of the people, he was the better able to judge of the intentions of ministry, and seeing, that in defiance of the three resolutions come to by that House on the 6th of April, it was their determination to defeat every measure that should be proposed, in compliance with the prayers of the people, and in conformity to the three resolutions to which he had just alluded, and that, not by any open, manly, uniform system, but by such means as should occur either in that House, or elsewhere, he was the better directed what steps were most advisable to take, in order to give the people assurance that something more should be done for them, than a bare and naked resolution, that it was necessary that something should be done for them. It was idle to flatter the people, and deceive

them by an adoption one day, of what was to meet with a rejection the next; much better would it have been, and much more fair to have given the first proposition a rejection at once, than to have held out false hopes, and to have acceded to a promise which was never intended to be fulfilled, could the fulfilment of it possibly be avoided. In the course of the progress of the business he had undertaken, the committee had come to three resolutions of the first and most serious importance, which the House had afterwards confirmed and ratified. He had next proposed two more resolutions to the committee, the one of which they had agreed to without a division, and the other had been carried by a majority upon a division. So far the prospect was fair and promising, but since the two Bills of his two hon. friends had been got rid of, (one by a rejection in that House, and the other by a rejection in the other) it became highly necessary to know whether his endeavours were to turn out promising in the beginning only to make the failure in future more certain. It had been objected, on those Bills being argued and debated, that neither of them would completely answer the prayers of the petitioners; most certainly neither of them would; no such extraordinary merit had been imputed to them. The truth was, it was incumbent upon that House to build something on the petitions of the people. The foundation of the building was laid by the three resolutions being carried on the 6th of April. The two Bills which had been since rejected, were designed as parts of the fabric; such other propositions as he, or any other member might think it became them to offer, would be offered as additional parts of that fabric. The whole superstructure could neither be erected at once, nor by any two, three, or four motions. As parts of it, and those very essential parts, he considered the three bills then in agitation; the remnant, by no means an inconsiderable one, of the Bill for the regulation of the civil establishment brought in by an hon. friend of his, to whose plan all sides of the House had concurred in attributing great merit; another Bill, brought in, or to be brought in by another gentleman, under the denomination of a place-bill; and the favourite plan of the noble lord in the blue ribbon, the Bill for a commission of accounts. These three Bills, or such parts of them as passed, would form no small part of the superstructure to be raised; but in vain would it be,

that the foundation was ever so solid and firm, or the superstructure ever so fair and noble, if by any sudden exertion of that very influence which the petitions complained of, an end was to be put to the progress of the building, and the whole was to vanish into air, or be suddenly shaken to ruins; he therefore meant to propose a resolution, which should at once put the matter past all doubt, and convince the people whether their prayers would really be complied with or not. His motion was,

“That an humble Address be presented to his Majesty, praying, that he will be graciously pleased not to dissolve the parliament, or prorogue the present session, until proper measures have been taken to diminish the influence, and correct the other abuses, complained of by the petitions of the people.”

He was aware that it would be urged in objection to this motion, that it would detain gentlemen longer from their business or their pleasures than was usual. He declared, he for one had some business, and was as fond of amusement as a proper relief from the fatigues of that business as any other gentleman, but he considered the petitions of the people as an object of the first importance; that in order to prepare, discuss, and determine upon such measures as that House should think proper to adopt in remedy of the grievances complained of by the people, he was ready and willing to sacrifice his business, however profitable, his amusements, however pleasurable: but before he sacrificed either the one or the other, it was highly necessary for him to know that the sacrifice would be of some avail, and that what he gave up, would be atoned for by the essential service rendered to his country. With this view it was, that he had prepared the present question, and he had little occasion to take up the time of the House, or waste his own time in argument, to prove that gentlemen would not be kept much longer than usual from their pursuits, or from their homes, were his motion carried; because he could venture to assure them, that if ministers were sincere in their declarations, that the petitions ought to be complied with, and that it was fit something should be done in compliance with the prayers they contained, the whole that was necessary to be done, would take up but very little time in addition to the usual period of the session.

He adverted to what had been said in the other House by a noble secretary of

state respecting the phrenzy of public virtue, and in assertion that the complexion of the people at present was virtue run mad, and that it was the fit moment for that House to exert its authority, and to stand in the gap between the people and the crown. He ridiculed these expressions as indecent to the House of Commons, and dangerous in their consequences. If the Lords did stand in the gap, as the noble earl had phrased it, between the people and the crown, in a moment when the people were justly complaining of the undue influence of the crown, and in a moment when the Commons had solemnly resolved, that the influence of the crown was increasing, and had increased to a degree that required diminution, what might follow such an ill-timed interference, appeared to him in too dreadful a point of view to bear discussion, he would therefore pass it over, and leave it to all who heard him to picture it to themselves.

He also noticed lord Nugent's declaration, that what was offered in the view of remedying the grievances of the people, were mere quack-medicines, calculated rather to destroy the patients than to cure their complaints; and referred his noble friend to a poem, which he said he had formerly read with great pleasure, in which the principles of the poet did him so much credit, and were so just, that they almost distanced the praise due to his poetry, but with the superadded beauty of his numbers made the whole an invaluable composition. The work he alluded to, he presumed the noble earl had perused, and every gentleman who heard him. He meant the poem entitled, “An Ode to Mankind,”* and which was directly the reverse in all its doctrines respecting the rights of mankind, of those doctrines which the noble earl had lately held in that House, relative to the influence of the crown, and the rights of the people.

Observing that the House was more than commonly full, he said he was glad to address an assembly so crowded, and though he applauded the industry of those who had even fetched patriots from the other side of St. George's Channel, where they were engaged in discussing measures for the preservation of Ireland [alluding to sir John Irwin and lord Drogheda, who were in the House for the first time since the 6th of April] and brought officers of

* A copy of this poem is preserved in Dodsley's Collection.

the navy and army from their professional duties to their duty within those walls [alluding to lord Mulgrave, captain Phipps, and others] he hoped the new comers would shew their zeal for their country, their regard for the people, and their abhorrence of undue influence by voting for the motion, and that the 233 of the 6th of April would cut a still more respectable figure by the addition of twenty or thirty, and the ministers would be convinced by the issue of that day's business, that the majority were not the rope of sand which they had been described to be.

He noticed the turn that lord North had given the accidental mention of the league of Cambray by Mr. Fox, complimenting his lordship on his pleasantry on the occasion, declaring it to be a fair advantage, and owning he dreaded his wit, because he regarded it as one of the most powerful engines in the hands of the noble lord. He denied, however, that the similitude held between the leaguers within those walls and the leaguers against the republic, declaring, that neither he, nor he believed any one of the numerous friends with whom he acted, were stimulated by any views of sharing the spoil, or dividing the plunder to be obtained by displacing the present administration. He concluded the whole with presenting his motion.

Mr. *T. Pitt* rose, and in a very pathetic address conjured the House, as they loved peace at home, as they wished for unanimity and concord among the people, as they hoped to profit by that budding confidence in parliament which had appeared since the 6th of April, to concur in the motion. He read to the House the resolutions agreed to by a meeting of the gentry, clergy, and freeholders, of the county of Cambridge, held at the Shire-hall on the 10th instant, in which it was stated, "that the committee who had been appointed to prepare a plan of association on legal and constitutional grounds, had received authentic information, that the general allegation of the petitions, respecting the influence of the executive power over the representatives of the people, had been taken into consideration, and admitted, by the Commons of Great Britain, in parliament assembled, as just and well founded; and that the Commons had resolved, that the increased and increasing influence ought to be diminished; and as that resolution was followed by others tending to a laudable reform, the

committee, desirous of shewing a proper respect to the deliberations, and of placing a due reliance, &c. on the discretion and integrity of the representatives of the people, had, for these reasons, declined for the present proposing any plan of association, sincerely trusting the House of Commons, having made so noble a beginning, would be animated with a zeal to persevere in deserving the highest confidence and the warmest thanks of their constituents and fellow-subjects." This mode of conduct, Mr. Pitt said, had given him the most exalted satisfaction, but that joy would be converted into the deepest sorrow and the bitterest anguish, if the House, instead of availing itself of this happy turn of mind in the people, should blast their growing confidence in the bud, and by refusing to go on in measures calculated to increase their confidence, should kindle up that flame of indignation and resentment, which would in all probability burst out with irresistible fury, and overwhelm government, if the people were forced to imbibe the opinion, that what had been done, was meant merely to deceive them, and that from the beginning it was not intended to afford them the least serious redress. He protested in the most solemn manner, that he spoke the real sentiments of his soul; he had no object but the general quiet of his country, and a wish to restore it to its former greatness. Whatever views of ambition he might formerly have entertained, he did assure the House they were long since dead in him. Place, emolument, and power, had lost their charms in his sight, and nothing could tempt him to abandon his domestic retirement, and the happiness of his home, to come down to that House debilitated as he was by illness, infirm, and scarcely able to support the fatigues of parliamentary attendance; but an earnest wish to contribute towards averting the horrid prospect before him, towards saving his apparently devoted country, from the ruin that seemed to hang over its head, and by rescuing it from a second civil war to enable it to carry on the foreign war, in which it was involved at present, with that degree of vigour and exertion which could alone arise from unanimity among ourselves, and from which success could only be expected. As a further inducement to the House to agree to the motion, he painted the horrors of popular rage in a most striking point of view, and asked, when the people were once inflamed, who

it was that had power to stop them, or could say, "Thus far shalt thou go and no farther."

Earl *Nugent* declared himself an approver of the petitions in some points, but not in all. He said, he had all along declared that the people ought to have redress of their grievances; but it was incumbent on that House to examine deliberately what the grievances were which really existed, and which it was within the power of that House to remedy. He thought the influence of the crown did not prevail to a degree which should alarm the people; he had repeatedly declared this; and he should continue to maintain the position, let it be sneered at ever so much. The greatest grievance of all, in his opinion, was the enormous emoluments of certain offices held under the crown; not places held during pleasure, but places for life. Let these be reduced. Let them be taxed, so as to derive a considerable revenue to the state, and lessen the profit of them to a moderate size. Propose this measure, and he was confident it would please the people, and answer the end of their petitions in one great and important point. [The opposition called out move! move!] His lordship said, he would not move such a question, but he pledged himself to second it whenever it was moved. The task of pointing out individuals holding the places to which he had adverted, was an unwelcome one. It would appear invidious and unfriendly. It had been contended, he thought rather unfairly, that every gentleman had concurred in opinion that the petitions ought to be complied with, and yet that all those who sat on the side of the House on which he stood, had uniformly opposed, and meant to oppose, every one motion proposed in redress of the grievances complained of in those petitions. In support of this, an honourable countryman of his [Mr. Burke, when speaking on Mr. Crewe's Bill] had pleasantly applied the old fable of the man, who becoming tired of life, had resolved to put an end to his existence, but was puzzled in what manner to do it. He had asked himself the question, should he hang himself? No—thieves were hanged, and he would not die like a thief. Drown himself? No—he would not die like a blind puppy! Cut his throat? No—that were to die as hogs died, by the knife of the butcher! Poison himself? No—rats were poisoned! [A loud laugh at the

word "rat"] and so not being willing to put an end to his life by any means, that he could recollect, the man lived till nature was exhausted. His lordship begged not to be included in the number of those who had said the petitions ought to be complied with, and were nevertheless determined to agree to no proposition made with a view to comply with them. He had himself suggested measures, and there were other measures which might be suggested that would fully answer the desired purpose. The fact was; they had begun at the wrong end, and had proposed first, what should have been the last thought of. Go back to the right end and he would go with them. What they had suggested was every way inadequate and improper. The present motion he disapproved of altogether. He should give it his negative, because it was assuming more than belonged to one branch of the legislature. What! controul the King's prerogative, and desire him to do that, which would affect the other House of Parliament, without knowing whether it would be agreeable to them? By no means.—His lordship replied to what Mr. Dunning had said, respecting the poem entitled the "Ode to Mankind," and declared he well remembered that poem, and that the doctrines it contained were perfectly agreeable to his then sentiments, but not to the learned gentleman's arguments, or the measures proposed by him and his friends. He also deemed the present a ruinous war, and said if not happily put an end to, we should become a bankrupt people, with an exhausted treasury, and an impaired constitution. He, however, defended the war in its origin as a measure in which the legislature had concurred. At that time (the origin of the American war) a strange circumstance in politics was observable; the opposition was an unpopular opposition! His lordship concluded with declaring he should vote against the question, which he disliked, because it smelt too strongly of the year 1641, and called to his mind the violent measures which marked our history soon after that period, staining the pages of the historian with blood, producing the violent death of the prince, and the destruction of regal government, and which was followed by a republican system of the grossest tyranny that ever a people groaned under.

Mr. *T. Townshend* rose in consequence of what lord Nugent had asserted, relative

to reducing the profits and emoluments of certain places held for life under the crown, and said, he presumed by the noble lord's giving the House to understand, that motives of delicacy to friends prevented him from naming the persons alluded to, he meant to point at an honourable relation of his. He ridiculed the proposition on this head, as too frivolous to answer any end of real utility, since the utmost object of it would be the saving of a few thousands, by taking it from those who most clearly were not liable to the influence complained of by the people in their petitions, and were not acted upon by it, perhaps to give it to others, who would be acted upon by influence; that, therefore, so far from removing the evil, or lessening it, it would be increased. When he said this, he spoke from no pitiful idea of preventing such a proposition from being adopted; if the House should think it wise to adopt it, he was sure his relation, and the other persons holding the offices alluded to, would be very ready to agree to that or any other sacrifice they should be called upon to make, provided there was the least prospect of its conducing to that great and desirable end, the quieting the minds of the people, and restoring unanimity. He concluded with urging the House to adopt the motion, unless they wished to drive the people to desperate measures.

Mr. *Adam* said, he did not feel the present question as tending to support this or the other minister in power; it was a question of a higher nature: whether this constitution, the admiration of the world, and the boast of Englishmen, should remain as it was, unaltered and unimpaired, or whether we should by innovations, the extent of which we were not made acquainted with, run a risk of destroying it? It was upon that ground alone that he meant to argue the question. He declared, that in what he meant to say, he laid aside every motive but what regarded the constitution; that if ever he wished to promote his ambition, if ever he had a desire for praise, and for the esteem of his countrymen, avarice he trusted he had never felt. He would resign all his ambition, he would yield up every prospect or hope of praise, in defence of what he thought formed the constitution of the country: a constitution of which he felt all the advantage, and which he thought formed the happiness of every individual who lived under it. Having said this, he

begged leave to clear the question of all extraneous matter. He did not think that the American war had any thing to do with it, nor the use that had been made on a former day of the league of Cambray, nor the rejection of the Contractors' Bill in the House of Lords, though there was something strange in the idea of attacking the House of Lords for doing what, as an independent and necessary branch of the legislature, they had a right to do. That the present was a simple question of whether you shall address the crown to keep parliament sitting, till such time as the grievances complained of in the petitions upon the table were redressed? He expressed great respect for the persons who signed those petitions, and thought they were always to be received and attended to. He reprobated in the strongest terms the conduct of the parliament of 1701, in the case of the Kentish Petition. He said, that at that time there was introduced into an act of parliament, very material to the liberties of this country, by fixing the Protestant succession, a clause which prevented any placeman of any kind from sitting in the House of Commons. That from some wayward fancy, or some honest prejudice, the people of Kent presented a petition to this House, complaining of the conduct of the patriotic reformers of that time. When, instead of receiving the petition, and giving it that due consideration which it ought to have, the presenters of it were imprisoned, and the petition declared to be an infringement of the liberty of parliament.

He said, he had the greatest respect for many of the names subscribed to the petitions, and for many of those who were of the different committees. That they were men of the greatest rank, the greatest property, and the first abilities. That no intentional danger to the constitution could be attributed to such men. But he could not carry his deference to them to such excess, as to bind up his own understanding and fetter his judgment. He said, it became requisite, therefore, before he proceeded to the precise question before the House, to clear the ground a little with respect to the petitions being binding upon parliament. That this was a doctrine he never could subscribe to; and he believed, if fairly stated, no person within the walls of the House would subscribe to it. Many people say that the petitions must be binding; but if you

come to examine upon what ground any person, the greatest favourer of the people, makes that assertion, it is because he agrees in opinion with the prayer of those petitions. But let us suppose that those petitions went farther than any person in this House thinks they ought to go, to alterations in the constitution that we are all agreed in thinking detrimental; should we not all agree that such a petition would not, ought not to bind this House? If that is the case, we ought to hear no more of that argument so derogatory to the independence of this House, that this, that, and t'other thing must be done, because it is required by the people in their petitions, but ought to discuss each question upon its special merits.

He then came to the motion, and said it naturally divided itself into two heads, to address the crown not to prorogue the present session, or dissolve the present parliament. With respect to prorogation, he was well aware there were many instances of such motions: but with respect to dissolution, not knowing what the motion was to be, he had not had an opportunity of examining the Journals as to the precedents; but he believed, it was the first instance of such a motion, and he was confirmed in that opinion, by the learned gentleman who made the motion, not taking notice of any precedent. That it was hardly to be supposed, that a person so learned in the parliamentary, as well as the municipal law of the kingdom, would have passed it over, if there had been any such. That as to the case of 1641, which made the Long Parliament, alluded to by the noble lord and the hon. gentleman who spoke last, he did not conceive it to be at all applicable to the present purpose. The circumstances of passing that Act were so remarkable, that it was impossible to forget it. It was carried to the king for the royal assent, along with the Bill of Attainder of lord Strafford; and Charles is supposed to have been so much occupied with the cruel necessity of giving his assent to that Bill, that the other passed unnoticed. But they differ in this respect: In 1641, it was a Bill—this is an Address. And they further differ, that the Septennial Act extinguishes this parliament at the end of seven years; at that time no fixed duration being appointed for parliament, that Act rendered it perpetual; that is, gave it existence till the grievances of the people were redressed, while these grievances were in the creation of those who

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promoted the Bill. But he said, he did not mean to argue, because there was no precedent for addressing the crown not to dissolve the parliament, that therefore we have not a right so to address the crown. That right is one of those that he ever would maintain in this House. But the motion was to be adopted with greater caution, on account of its being unprecedented. But, said he, it has been argued by the gentlemen who have spoke for this motion, as if the rejection of it was to be the cause of an immediate prorogation or dissolution of parliament; whereas, though this motion is negatived, parliament may still continue to exist: it does not follow in any degree, that because the House rejects this question, that therefore the ministers of the crown are to advise his Majesty to dissolve the present parliament, or prorogue the present session.

But it is necessary to consider what the consequence of this motion is to be. If you are to redress the abuses complained of, it must be done by Bill; if that Bill is rejected, either in this House, or the other House, it is impossible, according to the law of parliament, to bring that Bill back again during the same session; and therefore no good can arise from it; and it is probable that the same parliament that rejects the Bill this session, will reject the same Bill next session. But as the learned gentleman who made the motion is a much better judge of what will answer the purposes he has in view, than he could possibly be, he said he would cease to discuss the question upon that ground.

He then said it was fair upon a question that related to parliament sitting to redress grievances, that we should know the extent of them. What are set forth in the petitions are simple and intelligible, but the explanation that is given of them, in his opinion, amounted to a total change in the constitution. The petitions prayed for three things,—an abolition of unmerited pensions, of useless sinecures, and of the exorbitant emoluments of necessary offices. And this, they pray for, in order to attain the reduction of influence, and the promoting œconomy. But as these petitions are explained by saying, they pray for a free parliament, every species of alteration of the constitution, dangerous, and perhaps destructive to the happiness of the people of England, is brought under this head. Annual parliaments, and an increased representation, were already proposed; and if we were to form a calcula-

tion of the strides that reformation had taken from the first York meeting to the last meeting in Westminster-hall, it would be difficult to say to what lengths we might go in innovating upon a constitution, in which civil and political liberty was more extended, was more complete, than it ever had been in any age or any country. The liberty of antiquity was narrow and confined when compared with that of this country. In the republics of ancient times, a few individuals enjoyed perfect freedom, while the great bulk of mankind were the absolute slaves and property of those few. Here, slavery was unknown, and a complete enjoyment of every valuable right, of every blessing society can bestow, was extended to eight millions of people, unimpaired and unincroached upon. Was it matter of small importance to agree to a motion that might impair this glorious system? Had any infringement been made upon the great bulwarks of our liberty, which demanded such an alteration? External grievances had taken place; and the noble lord (Nugent) had given an epithet to the war, which sufficiently described the extent of those calamities. But was it wise, was it just, was it reasonable, to new-model the constitution, and run a risk of destroying what our ancestors had handed down to us, as the first of blessings? To make internal changes, because we had external grievances to complain of? Was it to be supposed that an increased representation, or annual parliaments, would ease us of the necessary taxes, diminish the burthen of the national debt, or bring about that safe and honourable peace, which we must all agree in wishing to see accomplished?

He then went into the subject of tests, as they had been spoken of and proposed at some of the public meetings; stated their unconstitutional tendency; said, that he had always entertained the most perfect conviction, that an obligation to obey the instructions of constituents, was unconstitutional. At an early period, when his studies should perhaps have been turned to other subjects, if any subject, at any time could be so important as the study of the constitution, he had formed his opinion; that no consideration could ever prevail upon him to alter it. This being the case, he reprobated the idea of tests, as being still more destructive of the freedom of parliament. That the very essence of parliament was the power of deliberation; and that the House should

be equally jealous and equally averse to every thing that destroyed that privilege. That its consequences were equally detrimental, whether they flowed from the undue influence of the crown, or the undue influence of the democracy. That it was the business of every man who loved the constitution, to reprobate every test that fettered parliamentary freedom. [Here Mr. Townshend said across the House, "There are no such tests."] Mr. Adam took up that assertion, with great animation. Does the hon. gentleman mean to assert that no such thing was ever talked of? Does he mean to say, that no meeting has ever discussed the idea and approved of it? And if we are to judge of the spirit of reformation, of the rapid progress it is making in time to come, by what has already past, will it be at all surprising to find the spirit of this constitution destroyed, the liberty of parliament annihilated, and a wild democracy controuling in every instance the wisdom of the legislature? The best, the wisest men, when they attempt a reformation, can never tell how far it is to go. The history of all ages evinces, that reformers have always exceeded their original designs. It becomes necessary, therefore, that the learned gentleman who made the motion, should tell the House what he means to do: he shews us that many things must be done, and we are to be led on, step by step, without previous information, to alter a constitution which has made us so long free and happy. If they find fault with the present system, they must have some other more complete, and better calculated to preserve or promote the freedom which they wish to establish. That system should be unfolded, that we may judge of its excellence or its defects, and not be led blindfold to adopt measures that, beginning in anarchy, must end in despotism. It is not that he imputed an intention to produce those evils to any one. He agreed with the hon. gentleman who seconded the motion, that you could not say to the people, "Thus far shalt thou go, and no farther." It was upon that principle he wished to avert an appeal to that quarter. That the madness of popular reformation had never failed to deprive those of power who wish to check it, and to place it in the hands of those, whose desperate situation makes them rejoice in changes. Those who wish to carry innovation to a certain length, will find, that their withdrawing themselves when it exceeds that limit will be of no

avail. The hon. gentleman who spoke last, alluded to the virtues of the last century, in the reign of Charles 1, in all the language of panegyric. He agreed perfectly with the hon. gentleman in that opinion. If ever there was a time in which human nature displayed a pre-eminence of virtue and capacity, it was upon the breaking out of the troubles of that period. But the history of that period proves the danger of innovation when begun, even from the most powerful reasons, and the most upright motives. In the beginning of that unfortunate prince's reign, every dangerous encroachment had been made in the political and civil liberty of the country. The property, even the life, of the individual was hardly safe. It became the great, the virtuous characters of those days to maintain their freedom, and to check the encroachments of a mistaken monarch. Yet the virtues, the abilities, of those times were not able to stop the wild spirit of reformation when it had once got loose. The eminent characters that withdrew themselves from the popular cause, when it had gone too far, in vain attempted to re-establish the constitution. They had allowed the desperate, the needy, and the unprincipled, to fix themselves in power, beyond the possibility of controul. Then it was, that the amiable, the virtuous, the enlightened motives of lord Falkland were of no avail. Then it was, that lord Northumberland, lord Manchester, and the earl of Essex himself, in vain relinquished the party, whose power they had too fatally established. And what was the consequence of that fatal spirit? The person who got the power, first voted one part of the other House useless, then voted the whole of it unnecessary. Armed men were brought into the lobby, to detain those members in custody, who were likely to have voted against those violent resolutions. At last, the only remaining part of the constitution, which, indeed, was so garbled that it was hardly valuable, was dissolved. And how was this effected? Three file of musqueteers were brought within that House. The mace was taken from the table: and when this violent step was opposed by a young man of considerable fashion, of great abilities, of remarkable eloquence, whose quickness of conception enabled him to seize every advantage for his party, whose pre-eminence was great when the Protector's political existence had not begun; upon whose shoulders Cromwell rose to power; when this per-

son opposed the dissolution of the House, Cromwell seized him by the cloak, and in the ludicrous language of those times said, "Oh! sir Harry Vane! sir Harry Vane! the Lord deliver me from sir Harry Vane."* Thus did he take the mace from that table, and establish the most oppressive and arbitrary despotism that ever cursed a country. Mr. Adam then said, he thanked God there was a great difference between those times and these; that encroachments on the liberties of mankind, induced the greatest and most virtuous to seek redress, while at present the liberties of the people remained unimpaired. But he said, all attempts to appeal to the people were dangerous. That he never heard of, or ever saw an intention of making use of that dangerous instrument, without recollecting the emphatic words of an illustrious author, who wrote about the period of which he had been speaking. In describing youth he says, "youth grasps more than it can hold, stirs more than it can quiet, and flies to the end without considering the means." He wished that those who appealed to the people, and made them the instrument of reformation and change, might not grasp more than they can hold, stir more than they can quiet, and fly to the end without considering the means.

He then begged leave to recal the House to what might be thought more immediately the question before them, though he could not but consider all that he had said as materially connected with the question; because that question contained in it every thing that might happen, all the consequences that might follow the intended plans of innovation. However, after stating shortly what he conceived to be a necessary conclusion from carrying the question, he would sit down, sincerely thanking the House for their kind attention. What he had to state was this, that the present motion, if carried, implied that parliament must agree to whatever should be set forth in petitions as necessary to be done. That without supposing parliament was to do so, the motion was unnecessary and nugatory; therefore parliament must be supposed by implication to be obliged to redress what are, or what are called, abuses: a doctrine so ruinous, so unconstitutional, that he never could subscribe to it, and trusted that the House would not give its assent to such a principle, by adopting the present motion.

* See Vol. 3, p. 1384.

Mr. Fox rose immediately after Mr. Adam, and introduced what he had to say, with a most eloquent exordium. It had been his fate, he observed, in common with others, since he had sat in parliament, to witness the most important debates that had occurred within the present century, the debate on the American war, the debate on the war with France, the debate on the war with Spain. That great and serious as those topics were, he had felt his mind at ease, and playful as it were, in comparison to his feelings on the present occasion; that now it was impossible for him to describe the awe and horror with which he was impressed. That the subject was of the utmost importance, and involved in it the fate of the empire. The hon. gentleman who spoke last had described the troubles of the last century with so much ability, so much warmth, and so much force of expression, that until the conclusion of his speech he could not be persuaded but the hon. gentleman had intended to vote for the question, and not against it. The hon. gentleman had asked to have it ascertained what degree of influence the petitions of the people ought to have in that House; the hon. gentleman had surely forgot, that the question he asked had already been determined. To remind the hon. gentleman that it had, he begged the three Resolutions of the 6th of April might be read. They were read accordingly by the clerk at the table.

He said, if it were clear what the propositions were, which would be adopted in compliance with the prayers of the people, he for one should object to the present motion as unnecessary; that his learned friend could only propose, it remained for the House to adopt or to reject, and that it would unavoidably be a work of some time. He rejoiced that the opposition had once been unpopular, because he said they had borne all the obloquy, all the odium, all the censure with patience, and had lived to see every one of their doctrines agreed to, and adopted by those who had opposed them when first proposed, and had helped to load them with obloquy, with odium, and with censure. Viewing the matter therefore as a party man, it must be matter of triumph, matter of satisfaction, but viewing it in the light in which he really did view it, namely, as an Englishman and a member of parliament, it was matter of lamentation, matter of melancholy and heart-breaking com-

punction, because what constituted the glory and the triumph of opposition, was the ruin, and the disgrace of his country.

Having thus described the general importance of the times, and enumerated the various great topics that had come under discussion since he sat in that House, he insisted, in most expressive terms, on the superior importance of the motion then before the committee, to every other subject that had been discussed in the present parliament. He said he was fair to own, and he believed his hon. and learned friend who made the motion would agree with him, that what the hon. gentleman who spoke last had said respecting this motion being new, was perfectly founded; he believed there was no precedent for it, and that the Act of 1641 did not apply to it: But (said he) as the circumstances of the times are new, the situation of this country is without precedent. The miserable state to which we have been brought by the ignorance and folly of those who govern the country, the increased influence of the crown, the grievances of the people daily increasing, call for new and unprecedented means of redress. The hon. gentleman had desired his learned friend to come forward with his system, and to unfold the extent to which he meant to go in reformation and change. Had not the House declared the necessary alteration already? Did not the resolution come to by 233 gentlemen, prove it to be the sense of this House, that the influence of the crown had increased, was increasing, and ought to be diminished? Had not the same majority declared, that early means must be taken to redress those grievances? That those means must be adequate to the end no one can doubt; it is not therefore an unknown system, but a system founded on the determination of the committee, and adopted by the House. If the House mean to keep their word with the people, to whom they have solemnly pledged themselves to destroy that baneful influence which undermines the liberty of the country, the House must proceed further. Unless they agree to the present motion, they betray the people, by leaving it in the power of the minister, (who shews himself an enemy to the people, by his conduct here, and by his directions to others in another place, to put a stop to one of the means of redressing the abuses complained of, by throwing out the Contractors' Bill) to prorogue or dissolve the

parliament before the means of redress are applied. If the motion should pass, though it did not bind the crown, there still remained in the executive power the ability to dissolve the parliament, or prorogue the present session: yet, he believed no minister would be so rash or so wicked, as to advise his Majesty to dissolve the parliament, when that House had addressed him not to do it. He trusted there was yet enough of weight and of power in that House, to make good its own resolutions, and to carry them into effect; that the respect in which the executive power held its advice, was too great to admit of a conduct contrary to its wishes, properly and humbly expressed.

He then alluded in the most glowing expressions of rhetoric to the situation of the country, and said, that upon the fate of the present question depended, whether this constitution, which had been the pride and glory of the world, which the hon. gentleman who spoke last had described with such ability and eloquence, was to remain the boast of mankind; or whether Englishmen were again to fight for their liberties, were again to take the field in opposition to arbitrary power; and whether the days of anarchy and despotism, which the hon. gentleman had gone over, were to recur, and, after a scene as mortifying as that struggle had taken place, a restoration was to follow upon those abject terms of servility and meanness, which was perhaps more disgraceful to this country, than the scene that preceded it on bringing back Charles 2, without terms or stipulation.

In short, he said, the question now was, whether the British constitution. "that beautiful fabric, raised by the steadiness of our ancestors, and cemented by the best blood of the country!"—These were the old, the trite, but nevertheless, they were the best words he could use on the occasion, they expressed most perfectly all that could be said of the constitution; he could invent none so good, he would therefore adopt them, as meeting the feelings of every Englishman—Whether that beautiful fabric, raised by the steadiness of our ancestors, and cemented by the best blood of our country, was to be maintained in that freedom, in that purity, in that perfection, in which those ancestors had delivered it to us, and for which that blood had been spilt; or whether we were to submit to that system of despotism, which had so many advocates in this coun-

try, which was evidently meant to be promoted, to be established, and to be fixed. He declared, that during the course of what the hon. gentleman who spoke last had said, when he employed his oratorical talents in so well describing the miseries of the last century, and the unhappy times of Charles the 1st, a prince whom his subjects could not trust, in whom his best friends and most faithful ministers could place no confidence; whose character for insincerity and obstinacy was his own ruin, and the ruin of his country; whose deceitful conduct betrayed him into every error; whose fatal and unconquerable obstinacy never allowed him to recede: who pursued unrelentingly the same fatal system! While the hon. gentleman, he said, was describing that history, he could not help thinking, till the very last part of his speech, that the hon. gentleman meant to vote for the motion.

Surely the hon. gentleman knew that if that unfortunate, misguided monarch, (in whose character a mixture of obstinacy and insincerity was the leading feature) had wisely yielded to the just grievances of the people, had given way to the just prayers of the petitions, and redressed those abuses in the early part of his reign, all that fatal anarchy, all that horrid despotism, all that dreadful scene that ensued, would have been avoided, and the unfortunate end, to which that prince brought himself, by his obstinate resistance to the complaints of his people, and his stubborn refusal to redress the grievances that he had caused, by his unwisely persisting in illegal levies of money, and by the arbitrary proceedings of ecclesiastical courts, would have been prevented. He expected therefore, that an hon. gentleman who had described so pathetically, with so much feeling and force of expression, those disasters, would have concluded with him in agreeing to the motion, as a means of averting those evils of which he seemed so apprehensive. He said the hon. gentleman had made an observation relative to the tendency of the motion, which he did expect would be made, namely, that it supposed a necessity upon the part of parliament, implicitly to comply with what the petitions of the people of England required, and that that House, or another House of Parliament, by refusing the Bills proposed for the redress of those abuses, would prevent any advantage from the motion being carried. He here stated, that the motion was to address the King

not to prorogue the session, or dissolve the parliament, till some measures were taken to redress the abuses complained of in the petitions of the people. He then asked, whether the taking of some measures required that parliament was obliged to do any thing that was improper for parliament to do? Must not something be done? Must not some measure be taken to comply with those petitions? And was it not necessary, if they meant to grant the people their just requests, to keep parliament sitting till such time as that was done? But it was said, that Bills might be refused, if not here, in another House. Was it not nevertheless possible to effect the redress of some abuses, by means independent of a Bill? For instance, was it incompetent to that House to address his Majesty to instruct his ministers not to give a contract to a member of parliament? and would it not be a matter that the executive power would hardly choose to deny upon an address of that House? But suppose it to be done by Bill—an hon. friend of his brought in a Bill to redress the grievance complained of, by revenue officers voting for members of parliament; that Bill had been rejected by the House. Another hon. gentleman had brought in a Bill for the exclusion of placemen; that Bill might possibly be rejected; other gentlemen, who wished well to the reduction of influence, might also bring in other Bills to the same end; and it was hardly to be supposed that the ministers, with a bought majority, would reject them all: the grievances of the people would be heard, ought to be heard, nay must be heard.

He then went on to say, that though he did upon some accounts regret the recess, which the misfortune of the Speaker's ill health had occasioned, yet there was one thing that made him happy that it had taken place; it had given him an opportunity of reviewing calmly and deliberately the present situation of the country; it had given him time to consider, whether those steps, that were meant to be taken, were wise and proper, and whether this was the time to propose them; it gave him an opportunity to prepare his opinion upon a subject of such magnitude and importance; he had therefore offered himself early to the Speaker's eye, for the purpose of delivering that opinion without any allusion to any thing that had been said, but had not been so lucky as to be seen by him. He said, his wish had been to

avoid the heat and personality which replying to the arguments of others was very apt to betray him into. If he did not, therefore, allude any more to the arguments of the hon. gentleman who spoke last, he trusted that the hon. gentleman would not impute it to disrespect for him or his abilities: he knew him to be a man, he respected his talents, but he wished to keep strictly to opinions which he had deliberately considered. He begged leave however, to allude to one thing that had fallen from the hon. gentleman, before he had done with his reply. The hon. gentleman had talked of tests to members of parliament being unconstitutional. He begged leave to say, that though they had been talked of, they had not been adopted but in three places, Yorkshire, Middlesex, and the city of Westminster. [Here sir Joseph Mawbey said, and Surry.] Well, then, four places have agreed to tests. But, continued he, suppose them general, is it remarkable that those who are going to vote for members of parliament, should be desirous of knowing the sentiments of the person they are to elect, upon any particular and important subject that is to come under parliamentary discussion? Take the American war for instance; it will serve the purpose of illustration as well as any other subject; suppose then, a person is to give his vote for a member of parliament at a general election, and that the great subject of parliamentary discussion is, whether we should go to war with America? Would it be unreasonable for the elector to endeavour to discover, whether the person he was to vote for, was for or against the American war? A test, then, is only a means to come at the opinions of those we are to choose for members of parliament.

He then went on to the discussion of the subject, as he had considered it independent of reply, in which he threw out a great variety of matter, both relative to the propriety of the motion, and the intention of ministers to frustrate the redress of grievances, and establish arbitrary power; and added many observations on the means they had taken to vilify opposition; together with many arguments to induce the 233 to vote with him.

The ministry themselves, and their prostitute followers, he said, had spared no pains, had scrupled at no means to traduce, calumniate, and lower the character of those who opposed them. They had aimed their poisoned arrows at them

equally as public men and private individuals. They had raked into every part of their lives to find some personal weakness in order to use it as an instrument of calumny. The follies of youth, and the foibles of age had been held out to the public as the most enormous crimes. Some had been abused for being too rich, others for being too poor. Even the indiscretions of some had been brought forward against all as serious accusations. Nor had this task been undertaken by the lowest of the tribe of abusers; grave and distinguished characters, men elevated in rank, and exalted in station; men in high office had harangued a great assembly, one of the highest assemblies in the kingdom, on those indiscretions. The earl of Hillsborough had done this. The earl of Hillsborough, who had reprobated the conduct of the House of Commons on the most important occasion, and who, when perhaps the House of Commons most deserved the applause and gratitude of the people at large, had deemed that conduct the phrenzy of virtue, and virtue run mad, had contrasted a public mischief with a private vice, and had set up the gaming of individuals with their own fortune, against the gaming of public men with the public purse. He was as ready as any man to own that gaming was a vice, but surely he had a right to say, it was a vice countenanced by the fashion of the times, a vice into which some of the greatest characters had given, in the early part of their lives, and a vice which carried with it its own punishment, and entailed a curse upon those who were addicted to it. As public men, he said, opposition had been first deemed a faction, and had been described as a faction of the most obnoxious kind; a faction who were enemies to the welfare of their country. At one time they were called Americans, at another time Frenchmen, at another time Spaniards, and now the phrase was, that they were Dutchmen. In short, they were at all times any thing but Englishmen!

Having delivered the above in the most animated stile of oratory, he declared, that he had been eleven years a member of parliament, and he had lived to see all those principles that he had been taught by the men who undertook to instruct him in his early youth, when he was yet to learn the duties of a member of parliament, overturned and contradicted. When he came into that House, the noble lord in the blue ribbon taught him to consider the

privileges of the House of Commons as the first and most necessary part of the constitution. The noble lord had told him that the House was the palladium of the British liberty, "there it was that the rights of the people were to be supported, and the privileges of the House of Commons were to be maintained, and to be kept up, because it was in that House that the liberties of the people of England were to be preserved." Good God, how had the noble lord kept to that principle! How basely had he deserted that ground, and left the privileges of the House to be trampled upon! How was the doctrine changed with respect to the other House of Parliament? It was not many years since that House had solemnly voted it improper for them to take into consideration any thing relative to the right of the seat of a member of the House of Commons. How had they changed their conduct and opinion by the rejection of a Bill that related to the members of the House of Commons alone! and if he was to judge from the Protest of the Lords,* and he conceived, he was intitled to judge from that Protest, the Lords had rejected the Bill upon reasons the most futile, the most ill-founded, that could well be imagined: but did not every part of that business shew that ministerial influence had interfered, that the noble lord in the blue ribbon had rejected that Bill contrary to the sense of the majority of hereditary and independent peers, and that the rejection had been carried by the Scotch lords and the bench of bishops? Gentlemen argued about the right of the House of Lords; they had a right, but would it be permitted, would it be allowed by that House? Would the other House dare to counteract the wishes of the people in matters in which they themselves had no concern.

He said the vote of the 6th of April, that glorious vote which established a foundation for the liberty of this country, could not be carried into execution without agreeing to the present motion. He therefore argued, that the 233 gentlemen who had voted that the influence of the crown had increased, and ought to be diminished, must adopt the present motion as the only means of carrying any thing into execution. For what was the situation of those gentlemen and of that House?—They had pledged themselves in the most solemn

* See the Protest on the rejection of the Contractors' Bill, p. 457.

manner to redress the grievances complained of in the petitions of the people of England. Like the case of an individual who enters into a bond to pay a sum of money, or incurs a penalty, they had solemnly entered into a bond with the people of England, to reduce the undue influence of the crown, and to destroy that enormous overgrown corruption, and the penalty, in case of non-performance, was a forfeiture of the affections of the people of England. That most dreadful calamity, that most melancholy circumstance that could attend a House of Commons, the loss of the affections of those for whose advantage, and to promote whose happiness they were chosen, would be the fatal consequence of not fulfilling the conditions of the bond into which they had entered! But, said he, it is impossible that this can take place. '*Magna est Veritas et prævalet.*' The truth of what that House had determined, the solemn manner in which they had declared influence too great, and consequently dangerous, must prevail over every attempt to corrupt; and those who had solemnly bound themselves to redress the grievances complained of, would, in the end, overcome the purchased votes of a minister.

He answered the objections made to the motion on the ground that it tended to an infringement on the King's prerogative, by shewing, that so far from assuming any power derogatory to that prerogative, it fully acknowledged it; and in reply to the argument urged against the motion, on the idea that parliament might, if the motion were carried, continue sitting for two years together, he said those fears were groundless and absurd, for that parliament would die a natural death in October 1781; and as the motion only proposed that the House should sit, till proper measures were taken to diminish the influence of the crown, and correct the other abuses complained of in the petitions of the people; it was in the power of the House to put an end to the session, whenever it pleased, and if heartily and sincerely disposed to listen to the voice of the people, a very short time would suffice for effecting all that was necessary.

There was an old precept, he said, which in one sense was profoundly wise and admirable, but which in that in which administration practised it, he detested as the most destructive and wicked principle of government. In the opposite sense, in that in which he could explain it, he revered

and respected it as one of the best maxims that could direct the conduct of mankind. *Divide et impera*, in the common acceptance of the words, and as those who advised his Majesty had adopted them was the miserable principle to which he traced back all the innumerable calamities of this unfortunate reign. It was to that diabolical principle of divide and conquer, as practised, not against the enemies but the friends of the constitution, that had produced our present situation, which a noble lord (earl Nugent) who spoke early, so well described—a ruinous war, a bankrupt treasury, and an impaired constitution! But as he would explain it, it was a principle that would establish freedom, maintain the constitution, and promote the happiness of England. To divide the good from the bad, to separate those who loved the constitution from those who abused it, to divide the uncorrupted and the virtuous from the bought and corrupted, to divide those who loved freedom, from those who wished the establishment of despotism—such a division, forming an union of the great and good, would lay the foundation for all those reformatations that were necessary to restore the freedom of an impaired constitution. But the wicked system (a system as weak as it is wicked) of those who had divided every other part of the empire, and now wished the division of the people of England, in order to maintain that fatal power which had cursed this country, and reduced it to its present melancholy situation, was to be withstood. He trusted, therefore, that 283 honest and unbought men would not allow themselves upon this occasion to be operated upon by that weak and wicked maxim, but that pledged as they were to the people, they would fulfil every engagement they had brought themselves under.

He interspersed these observations with frequent replies to Mr. Adam, particularly upon the argument he had made use of to shew, that the negating the present question did not infer a necessity of adopting the measure of immediate dissolution or prorogation. This he answered by saying, that it did however leave an administration, hostile in every point to the petitions of the people, with the power of prorogation and dissolution in their hands, if they chose to make use of it. He likewise made some observations upon annual parliaments and increased representation, not supporting them, though at the same time not condemning them, but rather stating that the

present motion was unconnected with that consideration. He then went again into the doctrine of the popularity and unpopularity of opposition; he reprobated the attempts of ministers to abuse them by means of the press, and thanked God they had overcome all their calumnies, and were now as popular as their enemies wished them the reverse. He said, with respect to the American business, he rather believed that they had not acted at first altogether agreeably to the popular opinion; but if they were on that ground an unpopular opposition, he gloried in the circumstance, if he considered it as a party man, but he regretted it as an Englishman. Had not every event proved, had not the conviction of that House, had not the conviction of that country, and the scandalous disgrace of the present ministers, who had given up every point they had formerly contended for, proved, that though unpopular, they were right in all their opinions? The glory of opposition, therefore, was the disgrace and the ruin of Great Britain; points which every true Englishman must regard with horror, and in whose eyes all ideas of popularity must appear insignificant, and trifling indeed, when seriously compared. This ground he laboured with infinite ability, and concluded for the motion, as being so material for the great object the House had pledged itself to, that he could not bring himself to believe that it would be refused.

Mr. *Dundas* opposed the motion with much ingenuity, and defended the House of Lords with great firmness. He deemed the Contractors' Bill a ridiculous Bill, brought in merely to court popularity, and with a view to gain favour with the mob. [Here he was called to order by Mr. T. Townshend.] He rose again, and said he could not but think it a little unfair to be debarred from speaking of a mere abortion with some little freedom, when he, from day to day, heard acts of the legislature, acts now in full force, reprobated without mercy. He saw no reason why the strangled child should be more gently handled, than the maturer offspring of the legislature. He paid the highest compliments to the Lord Chancellor, for his conduct respecting the Bill, declaring that it well became a man of his manly mind, of his majestic soul, of his solid judgment and excellent understanding, to act exactly as he had done respecting it. That noble and learned lord, he was sure, would always treat nonsense so whenever it came

into his hands. He would neither court one side nor the other, neither dread popular resentment, nor be influenced by ministerial favour, but would walk straight forward and do his duty as became a British peer in parliament. He reprobated the motion, which he ludicrously termed a "recruiting officer, sent out by opposition to beat up for grievances and enlist motions."

General *Conway* supported the motion very warmly.

Lord *George Germain* spoke against the question, as a mode of interfering with the prerogative of the crown, neither warranted by proof of its being necessary, nor supported on any grounds of good argument. His lordship defended the conduct of the other House, and quoted, as a case in point, to their conduct respecting the Contractors' Bill, a Peerage Bill sent down by them to the Commons, which the Commons rejected as an attempt to alter the constitution, which they at the time declared the Lords had no right to meddle with. His lordship argued respecting the rights of the Commons, describing its power over the purse of the people as sufficient to answer every end the Commons were constitutionally meant to have at their will and pleasure.

At 11 o'clock the House divided:

Tellers.

YEAS	{ Sir James Lowther - - - }	203
	{ Mr. Byng - - - - - }	
NOES	{ Mr. Gascoyne - - - - }	254
	{ Mr. Robinson - - - - }	

So it passed in the negative.

As soon as the members were told into the House, Mr. *Dunning* moved, that the committee to take the petitions into consideration, be deferred till that day se'nnight; and Mr. *Burke*, that the committee on the Establishment Bill be deferred till Friday next. The House began to thin apace, particularly from the opposition side; when

Mr. *Fox* said he had a few words to offer, which he wished some of the gentlemen who acted with him should hear before they went away. He said, the call of the House, which stood for that day, and which he promised to have strictly enforced, would, he believed, be better postponed, as numbers had quitted the House, forgetting that their presence was necessary while their names were calling over. He had resolved, in his own mind, to move the order of the day, should his learned friend's motion be negatived; but

as he understood that his learned friend had moved to have the committee on the petitions deferred till Monday next, he thought it better to make one further trial, as well out of respect to his learned friend and some other gentlemen who had taken an active part in the petitions, as to give those gentlemen who had separated from their friends on the question just decided, an opportunity of fully and unequivocally declaring their real sentiments; for he could not believe that it was possible for those who supported the resolutions of the 6th of April, no sufficient cause nor colour or shadow of apology intervening, to desert and reprobate the principles which they maintained on that ever memorable night. He was proceeding, but during the whole time he was on his legs there prevailed a shameful disorder in the House, great numbers standing and talking on the floor, and about the table.

Sir *Thomas Frankland* during this confusion called frequently to order, as did likewise the Speaker, but to little or no effect. At length sir Thomas called on the chair to exercise its authority, and if possible to restore order.

The *Speaker* then called on every side of the House with great vehemence; commanded the Serjeant to clear the bar, and insisted that gentlemen should take their places.

Sir *Thomas Frankland* thanked the Speaker for his interposition; took notice of the improper conduct of the members, who after repeated admonitions endeavoured to throw every thing into confusion; and said, that it was cruel and unworthy treatment to the Speaker, who being in an indifferent state of health, and who must be supposed to be much exhausted after so long a debate, in so full a House, to oblige him under such circumstances to exert himself in the manner he had been compelled to do. He then proceeded to make some observations on the probable consequences of the vote given that night; talked of the distressed state of the country in general, the fall in the value of lands, the fall of rents, heavy taxes, increasing burdens, and the general discontents which prevailed in every part of the country in consequence of those various and intolerable evils; affirming, he most sincerely believed, if something was not done by that House to avert them, and give the petitioners and people at large some satisfaction, that those aggrieved would seek a remedy in their own efforts,

and no longer look up to that House for redress.—Order was not yet restored; at length

Mr. *Fox* rose, and the members taking their places, as he entreated an hearing—he said, since he had first sat in that House he never felt himself so hurt, mortified, and filled with indignant resentment as that night: so much so, but for the circumstance already alluded to, relative to his learned friend, and his adjourning over the committee, that he, for one, was determined, so far as related to himself, to adjourn over the business of the present session, and never more enter that House, so long as the majority entertained similar sentiments to those they apparently embraced by the vote they had given that night. It was a scandalous, treacherous, and disgraceful vote [called to order by the Treasury-bench.] He did not mean to say that it was scandalous or disgraceful in those who opposed the vote of the 6th of April to oppose the Address moved by his learned friend; on the contrary, he thought they acted consistently, like men. Most clearly those 215 gentlemen who declared their opinions that the influence of the crown was not increased, and ought not to be diminished, had pursued an open, direct, and consistent conduct; they differed from him; he was sorry for it; but they differed from him upon principle. They declared roundly and expressly what they thought upon the subject; and they would have been guilty of the most shameful versatility if they abandoned that principle which they had so recently avowed. But who could contemplate, but with a mixture of surprize and indignation, the conduct of another set of men in that House, who on the same night resolved that the influence of the crown was increased, and ought to be diminished, and that the grievances and complaints of the people ought to be redressed; and who pledged themselves to that House, to the nation, to their constituents, to the people at large, and to themselves, that it was their duty to redress the grievances complained of; but who on the only two occasions that offered, shamefully fled from that solemn engagement, by rejecting the means proposed! It was shameful, it was base, it was unmanly, it was treacherous. The gentlemen he alluded to surrounded him; they sat on his side of the House; he was sorry for it. They were those who voted with him on the

6th of April, and who voted with the minister that night. No man held those who were at the devotion of the minister in greater contempt than he did; they were slaves of the worst kind, because they sold themselves; yet, base as the tenure of their places was, they had one virtue to pride themselves on, that of fidelity, gratitude, and consistency; to all their other demerits they had not added the absurdity and treachery of one day resolving an opinion to be true, and the next of declaring it to be a falshood. They had not taken in their patron, or their friends, with false hopes, and delusive promises. Whatever their motives or sentiments might be, they had adhered to them, and so far as that went their conduct was entitled to his approbation. He could forgive the man he saw voting regular with the minister, through thick and thin, upon every question; he could behold him, in his servile state, with pity, he could forgive him for cringing and bowing at the levee of the prince or the minister, without exciting in his breast any other sentiment; but on the other hand, when he beheld the conduct of some men, affecting different principles, supporting a minister who had very fairly, he would acknowledge, opposed and denied that the influence of the crown was increased, and ought to be diminished, it filled him with horror. What breast but must be filled with the warmest resentment and the keenest contempt, to see those who pretended that the complaints of the people ought to be redressed, that the influence of the crown had increased; who had pledged themselves that they would reduce one, and remove the cause of the other, vote in a majority with those who denied that either existed, and that the petitions were only fabricated by faction, and ought not to be attended to! He was at a loss for words by which he could give vent to what he felt on the occasion. Why had not those who voted on the 6th of April in the majority, explained themselves? If they approved of the general tendency of the resolutions, why had they not proposed some effective measures? Why had not they described the fabric they meant to raise, or which they wished to have erected on that basis? Why did not they, when propositions were moved, which they could not approve of, manfully stand forth in support of their own sentiments, and declare to those who united in opinion

upon the general declarations contained in the resolutions, then moved and carried; "We agree with you, respecting the ground-work, but by the propositions you would raise upon it, we differ totally with you. We meant this, and not that; we will agree with you in such and such measures, but we must dissent from those you now offer." This, in his apprehension, would have exculpated them from all blame; would have wiped away all suspicion. A difference of opinion might arise, but it would be such a difference as was agreeable to that liberty of assent and dissent which every man was entitled to, whose opinion could be deemed free. But, to agree to certain general propositions, and to refuse to propose any effective ones, or agree to those offered, was a paradox, he believed, in party and politics. It was taking in their friends. He was taken in, deluded, and imposed on. [A loud laugh from the opposite benches.] He acknowledged it; for, in his conscience, he thought the assistance of such men did more harm than good. It tended to lull the nation into a dangerous security, to impose on the petitioners, and, in short, to spread through the nation every species of popular delusion.

He thought it his duty, while on his legs, to declare, that the defection which he had alluded to originated chiefly among the county members, many of them of great weight and respect; but however high they might stand in the estimation of their friends in their counties, or in that House, he should ever judge of men by their conduct, and not by their professions. He doubted not but they had their reasons for voting contrary on one day to what they had resolved the preceding. The last vote, most probably, was agreeable to their real sentiments; the vote of the 6th of April was to answer ends merely personal. We were on the eve of a general election; the gentlemen alluded to would soon go down to their constituents: the first and most natural question would be, "What have you done in consequence of our petitions? Is the influence of the crown diminished? What redress have you procured for us? Has a more oeconomic expenditure of the public money been determined upon and adopted? Have our burdens been lightened? Are all useless and sinecure places abolished? And have you established a reform in the expences of the King's household?" "No: but look at

the resolutions of the 6th of April; you will there find that I and my colleague have voted, that the influence of the crown has increased and ought to be diminished; you will find it likewise resolved, on the same day, by me and 232 other friends of their country, that it was our duty to redress the grievances stated in the petitions." He trusted, however, that such gross tergiversation would never pass without detection, nor fail to be followed by the indignant contempt with which it deserved to be treated. He did not yet despair but the people would not only continue to see their own interest, which they had already done, but that they would besides know how to distinguish between their open friends and foes, and learn to discover their worst of enemies, their concealed ones. From their open ones they had nothing to fear or hope: by their secret and determined enemies they might be deceived; they had been often betrayed by them; but he hoped they would not be able to do it now, by votes which meant nothing if not followed up by efficient measures, and worse than nothing, when thus shamefully abandoned almost in the very instant in which they were given.

For his part, he was determined, after Monday next, to absent himself from that House. He would make one trial, one effort more, in expectation that those who had deserted their principles would endeavour to retrieve their public character. If that last effort should miscarry, he should then know what to do; he would exert himself without these walls, as he had continued to do within them, as long as he expected that any benefit could be derived from it. He presumed his learned friend would propose some measure which would come in the form of an ultimate test; for his part, he should propose none himself, though he would support any which might be proposed, to the best of his abilities. If this last trial should meet with a similar fate to that of his learned friend's motion that night, he would quit that House, and leave ministers responsible for the consequences. [A great cry of hear! hear!] He was persuaded that the gentlemen who cried out so vociferously in the exultation of victory, hear! hear! would be very glad of it; but he begged leave to assure those gentlemen, that not one of them wished more sincerely for such an emancipation from a fruitless attendance there than he did. If those gentlemen, however,

imagined that his future conduct would be directed to measures promotive of public confusion, they were very much mistaken; the people had resources still left; they were furnished by the constitution. A general election was approaching, and then the people, by the choice they might make, would have it in their power to obtain that redress, by sending only such representatives to parliament as entertained sentiments congenial to their own. There would be no occasion for armed committees or warlike associations. The constitution was not so imperfect as to compel men to take arms in support and defence of their rights; the means which a general election gave them were strictly consonant to peace and good order; and if those means were resorted to, and judiciously and firmly exerted, he did not despair; nay, he was perfectly convinced, that the next parliament would give that redress to the complaints of the people which every good and independent man wished for, and which it would not be in the power of the influence of the crown to defeat or prevent.

Lord *North* said, he was never more surprised, since he was acquainted with parliament, than at hearing the language which fell from the hon. gentleman who had just sat down. He thought it incumbent upon him, more than once, to have called him to order in the course of his speech; but he declined to do it, as it might be productive of altercation, which was by no means desirable at so late an hour of the night. Base! scandalous! disgraceful! and treacherous! were epithets which ought not to have been permitted to be applied to any member in that House, much less to a majority of that House, or any number of persons included in that majority, which the hon. gentleman had endeavoured to describe, without a possibility of the persons alluded to being mistaken or unknown; namely, such gentlemen as had voted in a majority with the hon. member on a former occasion, and who had left him in a minority that night. It was such language as no provocation could justify. It was indecent, unparliamentary, and improper. It was an invective, not a speech; and was in one part pointed against a set of men as respectable as any in that House, no matter on which side. It was disorderly, because no words or expressions used there ought to be permitted, but what would pass current among any other so-

ciety of gentlemen; that, he presumed, was one of the fixed principles of order in that House, and in every other popular assembly. The hon. gentleman happened to be in a minority one night, and in a majority on another. The hon. gentleman seemed to be displeased; he was so used to vote in a minority, that he seemed quite offended that he was enabled to vote at any time in a majority, if that majority was not always secured to him. This was rather unreasonable. He dared to say that he was as much accustomed to vote in a majority as the hon. gentleman; yet, on the particular night alluded to he was obliged to submit. It was his fortune to be left on that night in a very considerable minority; yet he did not think himself justified in rising immediately, and, in the anguish of defeat and disappointment, accusing those who had frequently before voted with him, with baseness, treachery, versatility, and other improper motives. He would therefore recommend to the hon. gentleman not to be so rash or hasty, but rather to give him credit for one part of his conduct, which he was persuaded would be worthy of the hon. gentleman's imitation; not to despair, but rather hope, that upon some future day he might again vote in a majority. The hon. gentleman, with his usual ability and fertile imagination, drew conclusions which the vote of that night by no means warranted. The hon. gentleman presumed, that because the House refused to address his Majesty not to prorogue parliament, or dissolve it, but to prolong its duration to an indefinite period, and for no definite purpose, at least expressed in the motion, that consequently the petitioners were to have no redress. In his apprehension, the ground of the motion had no other support but a suspicion, that either one or the other of those measures were then actually in contemplation, and were meant, at an improper time, and in an improper manner, to be carried into execution. Bare suspicion, or surmise, was no ground for proposing any measure in that House. It should be a probable surmise, a probable suspicion, that ought to operate upon the proceedings or resolutions of that House. Was any thing like it either suggested in the motion itself, or in argument, that any sudden or premature prorogation or dissolution of parliament was about to take place? He did not recollect that any such suggestion was urged. He heard a great deal of loose assertion, of predicted fears

and general apprehensions, but not a syllable which stamped upon them the least shadow of weight or authority. If there was no proof of the affirmative, how did the negative given to the learned gentleman's motion stand supported? Upon every fair ground of probability.—He would, in the first instance, speak from his own knowledge, that he knew nothing which would prevent the present session from sitting a reasonable time. There was a great deal of business before the House. There was in particular the Tax Bills; there were besides other measures before the House, which he presumed, notwithstanding the hon. gentleman's declared resolution of absenting himself from that House, would undergo a considerable deal of discussion, and of course of time, before they could be properly disposed of. In his opinion, therefore, instead of any fair cause of suspecting, that it was the intention of the King's confidential servants, to put an immature period to the present session, every probability lay the other way: first, that there was business which must be finished before the House rose; secondly, that that business would take up more time than could in any sense prevent the full and sober discussion of any questions relative to the petitions on the table, or other business, in which the interest of the public might be concerned.—Another part of the hon. gentleman's speech seemed to him to be founded upon a very extraordinary conclusion indeed. It supposed, that the negative given to the hon. gentleman's motion amounted substantially to a negative to the whole of the prayers of the petitions; that their fate was thereby decided, and that the House had determined to deny the petitioners every species of relief. This, to him, appeared a very extravagant mode of arguing, and totally irreconcilable to common sense, and the knowledge and experience of the House. He would in the first place observe, that no one measure whatever had been either negatived, or by inference disposed of, by the vote of that night. The motion stated, recommended no specific measure relative to the subject matter contained in the petitions. It only expressed a desire that his Majesty would not dissolve or prorogue parliament, till the petitioners had redress; but remained totally silent as to the mode of redress; and had, with seeming design, declined to state any effective measure whatever. But supposing, what was not the case, that

some measure had been proposed, and had been disapproved of; or supposing, what no man could venture to say, that whatever the learned gentleman, or any other hon. member might move in the committee on Monday next, would be negatived; would it follow from thence, by negating the other, as one had been already negatived, that such an event would amount to a negative of the prayers of the several petitions? He could by no means think so. The resolutions of the 6th of April, how much soever he disapproved of them, still remained on the Journals, as the sense of that House; other measures might be proposed on them; but even if there should not, there were several Bills before the House. There was the Bill for constituting a commission of accounts; there was a Bill, brought in by an hon. gentleman, part of which he highly approved; there were two or three other Bills, brought in by hon. gentlemen, all formed upon the petitions. Such being the case, he must say, that the hon. gentleman was not warranted in affirming, because every thing which he or his friends might think proper to propose, was not agreed to, that therefore nothing was meant to be done, but that the prayers of the petitions were to be defeated in the gross. He could hardly suspect the hon. gentleman's abilities, he must therefore impute it to his total misapprehension, or some other cause, for it appeared to him a very absurd species of reasoning, that because every proposition, made in consequence of the petitions, was not adopted, it was therefore determined to reject all. If the hon. gentleman meant to establish that conclusion, he trusted he would find himself mistaken; if for no other reason but for this, that it would at once put an end to all free deliberation and inquiry, by precluding men from exercising their own judgment, and thereby binding them to the individual opinions of every person, who happened to agree with them in some fundamental point, such as, that the influence of the crown had increased, and ought to be diminished, &c. On the whole, his lordship hoped that the public would perceive the difference between the conclusion drawn by the hon. gentleman and the question, as it really presented itself to the impartial observer; and he trusted in that light, as the refusing to consent to any specific measure was far from importing a general negative to the petitions, so the motion which had been

now disposed of, not being founded either in fact or probability, was by no means intitled to the approbation of that House.

Mr. *Dunning* said, his hon. friend had been misinformed, when he supposed that he had any particular measure to propose on Monday next. He assured the hon. gentleman, and the rest of his friends in that House, that he had not. His labours and assiduities were already determined. When he moved that the committee might be adjourned, and kept open till Monday, his intention in so doing was only to give other gentlemen an opportunity of conveying their sentiments through that medium to the House. He had doubted for some days past, but he despaired, since the vote which had now passed, of being able to render any service to his country. The noble lord in the blue ribbon had talked of the propositions of individuals, and of the House not being bound by them. He confessed himself a stranger to the species of property alluded to by the noble lord. He knew of no property any man had in any motion from the instant he delivered it out of his hand. It was not henceforward this or that man's proposition; it was the proposition of the House, which in its own judgment it was at liberty to adopt or reject; in either event it contained the sense of the House, and could be no longer esteemed, or be treated as the sentiments of any particular person. In that sense, and that sense only, he had submitted some propositions to the House, and was quite indifferent as to their fate; if they were fit to be adopted he presumed they would be so adopted; if to be rejected, they would be so rejected: in either and every event the mover could have no interest in the rejection or adoption, but what if he enjoyed at all he must enjoy in common with others.

Mr. *Fox* rose to explain what he meant respecting the words base, scandalous, and disgraceful, respecting the vote given by those on the 6th of April who divided against the motion made that night by his learned friend. He said, when he made use of those epithets, he applied them in this, and this way only. He did not mean to say that they had acted disgracefully, shamefully, &c. that night; he meant to convey this idea, that the gentlemen who voted on the 6th of April, that the influence of the crown had increased, and ought to be diminished, and that it was the duty of that House to redress the grievances complained of in the petitions, were bound and

stood publicly pledged to perform one or the other of these two things; to support such measures as might be suggested in consequence of those resolutions; or if they appeared to be such as they could not conscientiously vote in support of, that then they were bound to propose some other resolutions or measures, conformably to the ideas they entertained when they gave the vote of the 6th of April. If they refused to do that, or neglected in time to do it, so as that the measure proposed might at the late period of the session have a fair prospect of passing into a law before any prorogation or dissolution of parliament should take place; in such a possible event he was prepared to re-assert and repeat, that a conduct of that kind amounted to a desertion and abandonment of their declared principles, of their solemn promises plighted in that House to their constituents, and the people at large; and in that light were scandalous, base, treacherous, shameful, and disgraceful.

The House then adjourned.

Lord George Gordon presents a Petition from Ayrshire against the Growth of Popery.] April 27. Lord George Gordon said he had a petition from Ayrshire to present to the House. Before however he presented it, he thought it necessary to say some few matters, worthy their attention. His lordship went into a series of observations on what had fallen from lord Nugent and Mr. Adam in the course of Monday's debate, arraigning the former of having spoken merely of the conduct of Charles 1, in civil matters, and applauding the latter for blaming that weak prince for his religious as well as his civil conduct, declaring that it was owing to his religious principles chiefly, that all his misfortunes were ascribable, and that the family of the Stuarts, the rightful heirs to the throne of England, were deprived of their inheritance, and both king William and the present family called in to reign over a people, whose laudable aversion to popery made them detest and abhor all princes affected to that intolerant religion. In his usual strange and very singular way of speaking, his lordship brought in a number of strange allusions to recent matters, tying and connecting what had occurred many years since, with what occurred lately, in a most extraordinary manner. Talking of James 2, he said that prince had for a long time concealed his popish inclinations, but at length he became so barefaced,

that he received Ferdinando Dada as the pope's nuncio; there were good and bad lords then, he said, as well as now, for the duke of Somerset refused to introduce the nuncio, knowing that he would have been guilty of treason had he done so, and he lost his place for his refusal; but the duke of Grafton did the job. He said he should not wonder if the religious grievances of the people were not redressed, to see popery get to as great a height in this country now, as it did in any popish reign; nor should he be surprised if another Ferdinando Dada was to enter that House *in pontificalibus*, and take his seat there. He took occasion to animadvert on the corruption in the power of the Treasury-bench; and quoted lord Chatham's authority, to prove that there were greater means of buying men's votes than with either the profits of official emolument, pensions, or places, and that was by titles. The earl had said, "get but the thoughts of a title into a man's head, and he'll do any thing to obtain it." He told the Speaker, he had heard a noble lord wanted to buy him with a title. He advised him by no means to accept of it. He bid him remember that lord Chatham was sunk by a title, and lost his popularity in consequence of his accepting one. Should he (the Speaker) be weak enough to accept a title, his popularity would be irrecoverably gone; the yeomanry would despise him: he advised him, therefore, to preserve his present dignity. Don't, said he, Mr. Speaker, be cozened by a title. Why, Sir, the king has it not in his power to ennoble you. Lord Onslow has got a title, and would you accept of one? No, Sir, I hope you are above it; I hope you'll continue serving your country, in making excellent speeches for the people's rights, as you did from the Treasury-bench a few weeks ago. I look upon you, Sir, and the member for Bristol, and the member for Malmsbury, and my worthy friend the member for Calne, as four of the first men in the kingdom, in point of abilities. It is in this House only, that such men can best serve their country; therefore, Sir, I advise you to stay where you are.—His lordship was, in the course of his speech, repeatedly called to order by different members, and desired by the Speaker, at the instance of the House, to confine himself to the subject matter of the petition. His lordship took the advice very patiently, but each time that he was called to order, rose again, and pursued

his speech with the utmost composure; at length, however, the House would not bear such disorderly conduct any longer, and his lordship of necessity adverted to the petition, which he stated to be the petition of the people of Ayrshire in Scotland, praying for leave to bring in a Bill to repeal the late Acts passed in favour of the Roman Catholics.

The petition was ordered to lie on the table.

Debate in the Commons on the Stamp Duty Bill—Propriety of refusing to vote the Supplies.] On the order of the day for the third reading of the Stamp Duty Bill, sir G. Savile and Mr. Burke having contended that it was the duty of the House to exercise the power of the purse, (which a noble lord in a former debate had told them they possessed) on the present occasion, and to withhold the taxes, till something effectual was done for the people,

General Conway could not help differing from his hon. friends on the present occasion. He thought the House was bound, as they had voted the supply, to vote the ways and means; if they had objected to voting the supply till the grievances of the people were redressed, that would have been parliamentary and fair; not that he should have come into the measure. If his friends persisted in dividing the House upon the occasion, he should find himself obliged to vote against them.

Mr. Fox controverted this position, and declared, that though he neither entirely agreed with his hon. friend who spoke last, nor with either of his two hon. friends who spoke before him, he was persuaded the doctrine he had just heard was erroneous. So far from the supply being the properest matter to refuse voting, as a right exercise of the power of the purse, he was convinced to the contrary, though he had himself opposed the supply, and thought if the House had done the same, the risk would have been so little, and the advantage to the public so great, that the House would have done right. Had they joined him, at least so as to make a majority, and refused to vote the supply, till the petitions of the people were complied with, he was persuaded the grievances complained of would long ere this have been redressed. Let his hon. friend recollect what was the consequence of refusing to vote the supply? It was this:

the loan was stopped; the money could not be had, the navy could not be equipped, the army could not be sent out, neither could any preparation for the public service be made! Was the consequence of refusing to vote the ways and means the same? Most certainly not. The minister having his supply voted, had made his loan, and could equip the fleet, and send out the army. The ways and means being delayed, made no difference whatever. It was, therefore, at least more prudent and perhaps equally effectual, to refuse voting the ways and means, as to refuse voting the supply. When the ways and means were voted this year, they had been voted contrary to the rule of parliament, which was another reason for voting against them now. Mr. Fox used a variety of arguments to convince the House, that agreeably to the resolution of the 6th of April, they stood pledged in the most solemn manner, to redress the grievances of the people, before they imposed new grievances: new taxes, he said, were undoubtedly new grievances; and therefore it was the duty of the House to do something for the people, before they did more for the crown. He contended that the ways and means were grants to the crown, and therefore as one means of keeping parliament sitting till something effectual was done in compliance with the petitions of the people, he advised every one of the 233 of the 6th of April, to vote for suspending the tax bills.

Lord North said he could not but think the House stood pledged to vote the ways and means, having voted the supply. He did not mean to say that gentlemen were bound to approve of every tax proposed; nay he would go farther, they were not obliged to propose other taxes in the room of those they disapproved; they had a right to expect that the King's servants would produce others that should be more unobjectionable, but when the House had encouraged the King's servants to make a loan, they certainly were bound to take care of the money lenders, and to give them good security for payment of the interest of their money, otherwise the sinking fund must suffer very deeply. Gentlemen said, delay would make no difference: the assertion was altogether founded in error. The public revenue suffered by every day's delay. It had suffered considerably by the unavailing delay which had happened already, by the delay occasioned by the

recess, and by the last delay in consequence of the Speaker's indisposition. He hoped, therefore, the House would prevent farther loss to them; and as to the idea of keeping parliament sitting, by not voting the Tax Bills, that was idle and unnecessary. There was so much business of great importance before parliament, that it would be impossible to rise very soon.

Lord *George Gordon* saw clearly, that the present ministry would hold their places, the taxes would all pass, and the petitions of the people would be disregarded. The reason why he thought so, was, because he found the opposition to be a rope of sand; they were falling to pieces every day; they had no firmness, no unanimity. [Mr. T. Townshend, who sat next his lordship, asked him, what made him imagine so?] He said, he had the best authority for this; the members of opposition said it themselves; for how had the hon. member for *Malmsbury* began his speech? Had he not in so many express words said, he differed from his hon. friend, the member for *York*, he differed from his other friend the member for *Bristol*, and he differed from the hon. general over the way. Would opposition after this talk of unanimity? Besides, what was their language at county meetings, committees, &c.? The hon. member for *York* differed about the test proposed at the *York* meeting. The hon. member for *Westminster* was for annual parliaments, "No," says the member for *Bristol*, (who belonged to no committee, and had figured away at no meeting,) "I am neither for annual, nor triennial, but I stick to septennial parliaments." The fact was, each of the great leaders of opposition was connected with a party who had been in government, and each thought himself obliged at all times to adhere to the original principles and political system of that party. The people, therefore, had no confidence in the great leaders of opposition in that House; they saw their disunion among themselves, and they would not trust them. His lordship went on thus: I say, without the people, nothing can be done, Mr. Speaker. In vain, Sir, is all your slaving in the chair, and your slaving on the Treasury bench, unless the people are with you. One side of the House, Sir, is thought as ill of without doors as the other; the people think neither are to be trusted, and while that is the case, it is in vain to hope for

any good. The people, Sir, don't mind what is done in parliament. Why, Sir, the day after the *Contractors' Bill* was thrown out by the House of Lords, which was a very violent measure, I went out into the streets, and I saw all the people in their shops about their ordinary business as if nothing had happened. I was at *Boston*, Sir, at the beginning of our disputes, and there when any great question was in agitation, the people regarded nothing else till it was decided one way or the other. I repeat it, therefore, Mr. Speaker, that without unanimity among themselves, opposition can do no service to the people.

The Bill was read a third time and passed.

Debate on the Clauses in Mr. Burke's Establishment Bill, for abolishing the Office of the Great Wardrobe, the Board of Works, &c. April 28. The House again resolved itself into a committee on Mr. Burke's Establishment Bill, and first took into consideration the clause "for abolishing the office of the Great Wardrobe, the office of the Removing Wardrobe, the office of Master of the Robes, the office called the Jewel Office, and all the places and charges, whether of persons presiding in or dependent on them, or any of them, of what nature soever, except those of one house-keeper, and one wardrobe-keeper (the said places to be united after the possession of the present occupiers) in each of his Majesty's palaces and houses."

Mr. *Burke* rose to inform the committee why he had not attempted to meddle with the house-keepers of the royal palaces. He said, he found palaces of two kinds, real and virtual; palaces which were visible and substantial, and palaces which were merely ideal, and had no existence but in the intellects. On examining the Red-book, he found at the head of the list of housekeepers, lady *Mary Churchill*, and she was followed by a whole heap of petticoats. He declared he thought it extremely right that there should be some respectable establishment for women of condition and family, and therefore imagining that the places were all held by ladies, as well out of his natural respect for the sex, as from the real feelings of his mind upon the occasion, he determined not to meddle with one of them. He had however received no less than eight letters on the subject, begging him not to move for the abolition of the places

of house-keepers to the royal palaces, and among others one from Haverford-west, stating that John Manners, esq. was house-keeper at Whitehall. He again referred to the Red-book, for before, he had imagined it to be an error, and that it had either meant lady John Manners, or Joan Manners; however, after brushing aside the crowd of hoop-petticoats which almost concealed him, he espied John Manners, esq. He said, he immediately went to Whitehall, which he found to be one of the ideal palaces, without habitations for retinue, or capability of reception of residents. All he saw there was several paintings of nudities in the Banqueting House, by Peter Paul Rubens, and a painter busy about them, who, according to the modern fashion, was employed in correcting and improving the works of that great master. He saw, however, no house-keeper, nor any occasion for one, though 500*l.* a year and better, was paid to John Manners, esq. for holding that office. He mentioned this, to shew at once that the office of house-keeper to any of the royal palaces, was, generally speaking, a mere sinecure, which, however, as long as it was bestowed on ladies of condition, should receive no shock or violence from his hands. The rest of the clause went to the abolition of the offices of the great wardrobe, &c. which undoubtedly were so far useless, that though they cost a great deal of money, the committee must see the whole duty of them might be done at considerably less expence by other persons.

Lord *John Cavendish* said, that the office of the great wardrobe was of modern institution, and that it had not been instituted under an idea, that it was to remain a permanent office.

Mr. *Gilbert* said, that when he suggested to the House, two years ago, the plan of economy and regulations upon which the present Bill was founded, he hoped his Majesty's ministers would have advised him to have made the necessary inquiries, and to have directed such retrenchments in his expences, as might have enabled him to have given some considerable sums in ease of his subjects under their present burdens; if that had been done, instead of the petitions which had been presented to this House, his Majesty would most probably have had the satisfaction of receiving addresses of thanks from his people. That as he had upon a former occasion intimated his opinion, that it would be

indelicate to reform those parts of the expenditure of the civil list which related to his Majesty's household, by act of parliament; and as the House had, in a former determination, avoided entering upon them, he thought it probable that they would adhere to the same rule, in their determination respecting the great wardrobe, now under their consideration, as falling within that description. That he hoped the committee would pay so much credit to the part he had taken in public affairs, and to his conduct in life, as to acquit him of any interested views respecting that office, notwithstanding he was a member of it; he assured the committee, that on every occasion, where his own interest had stood in competition with that of the public, he had always preferred the latter. That with the assistance of the master of the wardrobe, he had reformed such abuses in the office, as fell under his inspection, as comptroller, and had saved his Majesty 900*l.* per annum. That he did not wish to have that office freed from inspection and regulation; on the contrary, he knew there were sinecure places, and other things in it, which wanted reformation; but he did not think it proper to have them regulated by act of parliament; rather wishing his Majesty would be pleased to make the necessary reformatations in all offices within his household, by his own authority; and that he thought it might be proper for the House to address his Majesty for that purpose, as it would, by the saving, furnish him with the means, not only of relieving many particular distressed objects, which his goodness and humanity would lead him to, but also of giving relief and support to his subjects in general, when oppressed by heavy taxes. That he did not think himself of consequence enough to make a motion of that sort, but it coincided so much with his general sentiments and wishes, that if any other gentleman would do it, he should have his hearty concurrence.

Earl *Nugent* objected to the clause, as tending very unjustifiably to interfere with his Majesty's domestic regulations. He said, if the hon. gentleman, when he saw the painter at work in the Banqueting House, at Whitehall, on the paintings of Rubens, had asked that painter who he was, he did not at all doubt, but the man would have told him he was a reformer, and that he was attempting to reform and alter those pictures which had been the original work of a greater master, and

had been admired for a long series of years. Just as the painter's attempts to correct the pictures of Rubens had struck the hon. gentleman, did the hon. gentleman's Bill strike him; it was an attempt to reform, alter, and correct the constitution; he cautioned the hon. gentleman, therefore, how he proceeded; the constitution was the work of the old school, the work of those masters, whose universal excellence and skill had been established by the sanction and approbation of admiring ages; let the hon. gentleman consider, that the picture, however mellowed by the hand of time, had not lost its original beauty, and that the rude hand of a modern reformer might, under the notion of correcting and improving, spoil the piece altogether.

Mr. *Burke*, in reply, said, the noble lord's argument was an argument *ad verecundiam*, which he would readily answer. That which made the painter be employed to re-touch the almost invisible strokes of Rubens, made him turn reformer—the necessity of the times. That it was contrary to his genius, his temper, and his wish, contrary to every inclination of his mind, to attempt the invidious task he had then in hand; he did assure the noble lord, however, that nothing but dire necessity had forced him upon it. He had long lamented the great and pressing occasion for some person to attempt a reformation in many of the great branches of the public expenditure. He had waited almost to the last moment, in hopes that some other person, whose superior talents, whose turn of mind, and whose zeal, would better qualify him for the office of reforming what was wrong; finding that nobody would do it, and the necessity of its being done pressing more and more, he had at last ventured, unwillingly, upon a task which he disliked as much as any man living. He did assure the noble lord he would much rather have proposed to build his Majesty splendid palaces, to buy him the most valuable pictures, and to do every thing which could contribute to hold him up in all the possible splendour and magnificence of royalty, than to have taken upon him an office disagreeable in itself, and sure to create him enemies, namely, that of abolishing places in the household, with a view, by making a trifling saving for the public, to assist somewhat towards the great expences they laboured under. Solomon, with all his glory, was said not to

be clothed like the lillies of the field: our Solomon, with all his heart, might outvie the lillies of the field; he had not the smallest objection. He repeated it, it was the necessity of the times, and not his will, that made him a reformer. He could not, however, but wonder a little at the noble lord's comparison of his Bill, and the objects of it, to a modern painter's reforming the pictures of Rubens; he should have thought the simile of the old tattered worsted stockings, which had been used on a preceding day, would have suited better, because his Bill was calculated not to alter the constitution, but to pick out the old worsted, to draw the rents together, and mend the holes. Such an office as that he had undertaken was far from being new. There was in the household itself an office like it, and that was called the office of arras mender, whose duty it was to take care of the tapestry hangings, the works of old masters, and which had been admired for a series of years, but which (from the decay and rottenness occasioned in them by the teeth of devouring time, and from the holes made in them by the teeth of rats, and other obnoxious animals, who sheltered themselves behind them, nibbling them away, and continually preying upon them), were in danger of falling to pieces, and occasionally required the assistance of the arras mender, to patch them up, and make them hold together.

Having said this, he took up his minutes of the enumeration of the duties of the great wardrobe, stated by Mr. Gilbert, and in a vein of the richest ridicule, animadverted on each, keeping the committee in a roar almost the whole time he was treating of them. The first articles, he observed, were coronations and great funerals, two articles, which, he hoped would give no occasion for the employment of the great wardrobe for many, many years to come. His Majesty, he thanked God, had been blest with a vigorous and healthful constitution; in all probability, therefore, no gentleman present would live to see a coronation. The hon. gentleman had talked a great deal, and very pathetically, on the subject of great funerals; perhaps he foresaw that the clause would pass the committee, and as that would naturally effect the death of the great wardrobe, the hon. gentleman might have in view its funeral procession, in which lord Pelham, and the hon. gentleman, would necessarily walk as chief

mourners, a sight certainly very melancholy to behold, but particularly affecting to the hon. gentleman, and those other officers who made up the solemn shew. Great funerals in general, Mr. Burke said, were great follies; the worst waste of money that could be adopted. Now and then, indeed, when the nation meant to do honour to a deserving character, to whose efforts, while living, it stood highly indebted, they were proper, justifiable, and even necessary. He had seen one such funeral [of the earl of Chatham] and, there indeed, he must do the great wardrobe the justice to say, that they had rigidly adhered to that virtue, which it was one object of his Bill to recommend and enforce, the virtue of œconomy! So œconomical, and so saving were the great wardrobe on that occasion, that the cloaks were short, scanty, and threadbare, and no scarfs, nor hardly any thing necessary to be had. Perhaps, indeed, it was intended as a stroke of policy in the great wardrobe, who, knowing that the minority would be the chief attendants on that funeral, and remembered that it was the minority who made so much noise about œconomy in parliament, were determined to treat them in their own way, and to shew that one public office at least attended with due deference to their doctrines, and carried their practice of œconomy even beyond the bounds of decency.

The next article of Mr. Gilbert's list, which he took notice of, was the clothing of the state trumpeters; by these, he said, he presumed the writers for government were meant, who having so far succeeded in their efforts as to render ministry universally unpopular and detestable, certainly ought to be well taken care of and properly clothed. He understood, however, that the noble lord in the blue ribbon, had, in that business, shewn some regard to the public, and by way of saving expence, had contracted to pay the work these writers undertook, by the gross. After going through several other articles, he said; "so much for the work done for the crown, now let us see what is done for the people." Why, the great wardrobe furnishes the House of Commons, and the House of Lords. The proper constitutional furniture of the former, he said, were living figures, such, however, as were sometimes rather costly, and by the price of the purchase not very œconomically bought. With regard to the

seats, it was impossible for him by the feel to ascertain whether they were done by contract, or how, but there need, he thought, be no great expence lavished on them; matted rushes would inspire as patriotic sentiments to the persons who sat upon them, as soft cushions. He presumed, that neither lord Pelham, nor the hon. gentleman, troubled their heads about them; that if they did any thing that concerned furnishing either House of Parliament it was by stuffing the woolsacks, and other metaphorical seats of the other House. Having for a considerable time excited laughter by his wit, Mr. Burke returned to a serious consideration of the clause, pointing out the great wardrobe, and other offices, as unnecessary, and therefore as they cost a considerable sum, he said, he thought they might well be spared, and ought to be abolished.

Mr. *Medley* rose to declare, that he wished for œconomy as much as any gentleman present, but he never would consent to touch any part of the King's establishment. His Majesty had given up his hereditary estates in exchange for that civil establishment; the matter, therefore, exclusive of its having turned out exceedingly advantageous to the public, was a matter of bargain between parliament and the crown, and being once made, that House had no right whatever to interfere with it, or break it; for which reason, as long as he sat in that House, he never would consent to alter or touch a single hair of it. When he said this, he begged not to be supposed to speak from any sinister or interested view. He was as independent a man as any gentleman present: he did assure the House he never would either ask or accept of any favour from the crown, and if he was then at his Majesty's feet, he would say the same.

Mr. *Hopkins* spoke in support of the clause, declaring that the offices meant to be abolished by it, cost a great deal of money, and answered no good purpose.

Sir *Richard Sutton* condemned the clause in very strong terms, and reprobated the idea of furnishing the royal palaces with furniture, pictures, &c. by contract, as a mode of treating the prince equally degrading to him, and mean and pitiful in that House to attempt to enact by act of parliament. He mentioned the king of Prussia's wardrobe, as described by Dr. Moore in his late publication, in proof of the wretched manner a king clothed by contract would appear.

Mr. *Burke* observed that the hon. bart. had been speaking to a wrong clause, for that there was not one word about contracts in the clause then before the committee. Mr. *Burke* said, he had been used to hear of the king of Prussia as a great soldier, a great legislator, and though with many strong foibles as a man, was one of the greatest monarchs of the present century. His œconomy was worth our copying.

Sir *R. Sutton* rose again, and said the honourable gentleman was mistaken, for if he looked to page 7 of the Bill, he would there see a clause referring to the clause now before the committee, by which it was enacted, that all furniture and other moveables, to be purchased for the use of his Majesty's household, were to be contracted for by the Lord Chamberlain; a clause which every gentleman must see the absurdity of, because in some cases it was impracticable, particularly in the purchase of pictures.

Mr. *Burke* told the hon. baronet that he had never designed to abridge his Majesty either in furniture, pictures, &c. but that if his Bill had passed altogether as he brought it in, his Majesty might have had just whatever he chose, only he would have been certain of being better served. With regard to pictures, Mr. *Burke* said, he had seen some in his Majesty's palaces, which he should have imagined had been bought by contract, and those very badly bought, they were such miserable worthless pieces. He begged the hon. baronet, however, to recollect, that finding gentlemen in general were averse to the King's being served by contract, he had himself declared, he should drop all that part of the Bill, and, where it had occurred, as in page 4, respecting the Lord Steward, he had passed over the clause altogether. He ascribed the hon. baronet's talking of a clause two pages off instead of that under consideration, to his consciousness that there was no ground for objection in that clause which was really before the committee.

Lord *North* rose to speak to the clause, which he objected to generally, declaring his disinclination to tear the King's household to pieces by act of parliament, and his determination to oppose every such attempt. His lordship said, there were offices jumbled together in the clause, which had no sort of analogy whatever, nor could he conceive on what ground the hon. gentleman had put them into the same clause. The office of master of the robes,

he declared, had no connection with the great wardrobe. It was an office held by a very good friend and near relation of his (the hon. James Brudenell) and an office of a very different nature, he believed, from what the hon. gentleman imagined. The master of the robes was always considered as first groom of the bed-chamber, and had the entrees the same as the others; as the hon. gentleman, therefore, had declared he did not wish to meddle with them, he presumed he would not wish, when he knew what he then told him, to abolish the office of master of the robes.

Sir *Horace Mann* said, he had already declared his disapprobation of violent measures, and for that reason had expressed his objection to committees of association. He lamented the absence of Mr. Pitt, whose bad state of health he described as the cause, and spoke of his disinterested zeal for the public welfare, and his great abilities, in terms of the warmest panegyric. He declared, the extract from the resolutions of the meeting held at Cambridge, on the 10th instant, which Mr. Pitt had read to the House a few days ago, had given him the highest satisfaction, inasmuch as they exactly coincided with his own sentiments. He begged the House, however, to attend to the grounds upon which the Cambridge resolutions were founded—a flattering expectation of the further interference of the House of Commons, with regard to the grievances complained of by the petitions of the people, and a confidence that what they should do in conformity to their solemn resolutions of the 6th of April, would give effectual relief. He bid the House, therefore, consider, that they must do something that would fall in with the expectations of the people, and not abuse their confidence. The objects of the clause under consideration, he thought were very important, and as they tended towards œconomy, coincided with the petitions of the people; but, perhaps, it would be more respectful to the crown to do the business by address, rather than by act of parliament. He wished his hon. friend had been present to take the lead in such a business; he would gladly have followed him upon it. He declared, that it appeared to him a very proper step, and if no other person would do it, he said, he would move an address to the crown, requesting that those things might be done which were the objects of the Bill, provided he found that such a measure should prove agreeable to the House.

General *Conway* said the ground of argument had changed so much since the Bill was last under consideration, that he scarcely knew in what manner to treat the subject. It was highly necessary that something should be done in compliance with the petitions of the people; the people had particularly recommended œconomy, and it was undoubtedly highly necessary. We were now confessedly carrying on a war of œconomy with our foes, a war of finance, which must unavoidably terminate in the ruin of them or us. The advisers of his Majesty, ought, therefore, to adopt every measure that tended towards œconomy, and they could not do better than look to France, and see what had been the conduct of that court. From the moment Lewis 16 came to the throne, reformation and œconomy had been the great objects of their attention. The general here pulled some translations of French edicts from his pocket, and read an extract from the very first published by the present French king, immediately on his accession to the throne in 1774. The extract was couched in very affectionate terms of address to the subjects of France, informing them that the preceding reign had abounded in liberalities and profusenesses, to an excess extremely detrimental to the interest of the kingdom, and that the king was determined to reform them as much as possible, and to begin his reign with abridging his own expences, the better to get the finances of his kingdom into good order. The consequences of steadily adhering to this resolution, the general described as exceedingly beneficial to France; the end, he said, was so fully answered, that she had yet imposed no taxes on the subject, and had this year, for the first time, made a loan, and that a very small one, whereas we had added sixty million to our national debt already. He estimated the savings made by the king of France in his household only, at near a million annually.

Mr. *Rous* commended the clause, pointed out the saving it would occasion, and said it came directly under the prayer of the petitions, reminding the committee that the House had pledged themselves by their resolutions of the 6th of April, to do something effectually to diminish the influence of the crown, and advised the agreeing to the present clause as one step towards discharging that promise.

Mr *Powys* expressed his astonishment

that the minister had not risen and given the House assurance, that if the address which had been mentioned, was proposed, it should not be objected to and defeated by the noble lord and his friends.

Mr. *Adair* urged the absolute necessity of complying with the prayers of the petitions. In order to prove that the committee were warranted to interfere, he moved to have the resolution proposed by Mr. Pitt on the 6th of April, and agreed to by the committee, and afterwards confirmed by the House, read.—It was read accordingly at the table.

Lord *North* then rose, and after apologizing for sitting silent so long, said, that undoubtedly an address to the throne was both a parliamentary and constitutional measure; that every thing which came from that House would always be regarded with the utmost attention and respect, by those about the person of his Majesty; that he owed a resolution of that House the greatest deference; he owed it also his obedience, not, indeed, as much as he owed to an act of parliament, but as much as a resolution of one House of Parliament was entitled to. An address from that House, was the voice of the people of England, which was at all times entitled to the utmost deference. The people of England, when they spoke through their representatives, adopted that mode of speaking to the throne, by which alone the people of England could be heard or could speak. Gentlemen had said a great deal about œconomy, and the king of Prussia had been mentioned. The sovereign, whom he had the honour to serve, in his desires to have œconomy strictly attended to at all times, and to comply with the wishes of his people, would give way to no sovereign on the face of the globe. His Majesty was always eager to please the people, and to do every thing in his power that could possibly contribute to their happiness and welfare.

General *Conway* rose in great heat, and charged the noble lord with having perverted his words, and applied what he had said relative to the advisers of the crown, to the person of the sovereign, a matter exceedingly improper and directly contrary to order.

Lord *North* said, the hon. gentleman had no right to stop him in so much heat; that he was a servant of the crown, as well as the hon. gentleman, and as faithful a servant. He contended, he had not been disorderly; he had a right to say, the so-

vereign he served, in regard to a desire to have œconomy strictly adhered to, would give way to no sovereign on the face of the globe.

Mr. *Dempster* asserted that the noble lord had laid down a position which could not be debated, and therefore he had spoken contrary to order.

Lord *North* maintained, that he had only paid a just compliment to his sovereign; that he had not used the name of the King to influence the debate, as a screen for a minister, as a refuge, or in any of those points of view which the order of the House was directed at.

Mr. *Dunning* interrupted the noble lord, to tell him that what he had said was impertinent to the subject in debate. That perhaps the noble lord would plead that in excuse, but its being impertinent was no excuse; the noble lord ought to know that the House of Commons was not a place for compliments to the sovereign; that no one gentleman present was to learn the amiable virtues of their prince, it was therefore unnecessary and improper to blazon them within those walls, and could only be done with a view to influence debate. Another thing the noble lord had said, he could not suffer to pass unnoticed, and that was his declaration, that the people of England could only be heard through their representatives. He denied this doctrine; every man, the meanest subject, had a right to petition his sovereign.

Lord *North* said most certainly every man, a subject of that kingdom, had the right described by the learned gentleman, and God forbid it should ever be questioned or denied. But then a petition so delivered, was the petition of the individual or individuals who signed it. He had been speaking of the people of England collectively, who could only be heard by their representatives. His lordship having said this, went into a general reply to all that had been thrown out in the course of the debate; and first, he took notice of what general Conway had said relative to the finances of France, and the advisers of the crown. It was impossible, he declared, to know the state of the former, from the French edicts. They were generally admirable productions of very able men, drawn up in the most soothing terms, and studiously designed to have a pleasing effect on the subjects. If the hon. gentleman were to look back on the edicts of the last reign, which was undoubtedly, as the

first edict of Louis 16 declared it to have been, a reign of great dissipation and great liberality, the hon. gentleman would find all the edicts of that day drawn up in the same persuasive and soothing stile of address to the passions of the people. The hon. gentleman had said a great deal about the French not having imposed any taxes; the hon. gentleman must recollect, that where great abuses had prevailed, great savings could be made; the last reign having been a very dissipated one, there was the greater room for reform on the accession of Louis 16. As to that prince's household, the *maison civile du roi* differed very essentially from our King's civil list; the sum was astonishingly larger, neither did any part of it go to public expences; whereas a very great proportion of the civil list was applied to the payment of our ambassadors, and otherwise to the public use. The financier of France was undoubtedly a man of great talents, and he believed deserved the greatest encomiums, but it was not possible to judge what state the finances of France were in, because, according to the form of the French government, the minister could anticipate and go on at a great expence, without the people's knowing it; whereas, in this country, whenever a great measure was adopted, the minister was expected to propose a tax immediately to answer the expence; a minister here would not be suffered to anticipate. His lordship then observed, that it had frequently been urged that queen Anne gave 100,000*l.* a year during the war in her reign, out of her civil list. The fact was so, but gentlemen forgot that this boon was only given for five years, and that the sixth year the minister came to parliament, and upon stating the debts of the civil list, obtained a grant of 600,000*l.* He had this example before him, and therefore he had been backward in proposing a similar measure, because he could by no means approve of recommending his Majesty to give that as a boon which was afterwards to be demanded back again as a debt. When he had last applied to parliament to pay the debts of the civil list, it had been asked if he would answer for it, that he would not again apply for a similar purpose, and would engage, that when the prince of Wales's household was established, the expence would be paid out of the civil list, as it would then stand at 900,000*l.* a year. He said he had not, at that time, engaged, because he could not speak with certainty,

and he hoped he should always be cautious how he made engagements. He could now, however, tell the committee, that the prince of Wales's household should be paid without any additional claim on the public. The civil list was apparently in arrear, but not in reality; because it had been in advance for great public purposes, and that money would come back again. His lordship declared that the war had occasioned great expences, which immediately affected the civil list. He stated that the American refugees were paid a large sum annually out of it. That on an application from the island of Barbadoes some time since, complaining of their being in the most pressing distress for want of provisions, his Majesty had ordered 30,000*l.* to be advanced to buy provisions, and had caused them to be sent to the island. His Majesty had also ordered 16,000*l.* in like manner to be advanced in consequence of a similar application lately from the island of Antigua. After going through a variety of particulars, all tending to prove, that the civil list arrears were occasioned by the great expence of secret service money, and other necessary public purposes, his lordship adverted to the clause, and repeated his dislike to tear the civil establishment to pieces by act of parliament; declaring at the same time that the Bill had no object which might not to the full as well be effected by address to the throne.

Sir *Horace Mann* said, he saw if he moved an address, he should not be supported by the noble lord; he would therefore decline any such measure.

Mr. Townshend replied to lord North. Lord G. Gordon also cut about him, and concluded with saying, he would have nothing to do with such an old clothes business, but would vote against the clause.

The committee at length divided: Ayes, 162; Noes 210.

The Committee then proceeded upon the next clause, viz. that for abolishing the Board of Works.

Mr. *Whitshed Keene* gave a full account of the use of the Board of Works, and a detail of works done by it within these few years, to the amount of 881,000*l.* which he said could not otherwise have been done for the public so cheaply.

Mr. *Burke* made a most witty and laughable reply,* comparing the Board of

Works to the Fox alehouse, a little, contemptible, ill convenient and ill conditioned tenement, which any person would ride by without noticing, but which, upon paper and with the help of oratory, would fill many sheets, and cut as splendid a figure in description as the noblest palace.

The Committee divided: Ayes 118; Noes 203. Lord G. Gordon then moved that the Committee should adjourn, and the chairman report a progress, and ask leave to sit again.

Debate in the Commons on the Bill for appointing Commissioners to examine the Public Accounts.] May 1. The House went into a Committee on the Bill. After reading the preamble,

Lord *North* rose, and began with assuring the House, that he had no intention in moving that the commissioners should not be members of parliament, either to take away from that House any one of its privileges, to abridge its powers, to delegate them into improper hands, or to insinuate either directly or indirectly, that there were not within those walls men of as much integrity and ability, as much honour in themselves and as much zeal for the public welfare, as any men in the kingdom. He was convinced there were, and the only reason why he had proposed that the commissioners should not be members, really was, because the common parliamentary business was now so great, debates ran so high, and the times were so contentious, that almost every gentleman had taken either one side or the other, and therefore if they were chosen commissioners, their conduct in that situation would be liable to very great misconstruction; and he did not believe their being appointed commissioners would give the people so much satisfaction, as if gentlemen without doors of known abilities and respectable characters were named for that office. He added to this, that on looking back to former commissions, those which had not been composed of members had done the best service for the public, the others in general turning out mere party matters, and ending in nothing. Another

made so agreeable a figure in the House of Commons for many years as on this evening. He evidently came down with his mind made up to the fate of the remaining clauses of his Bill, and therefore treated them with all that ready wit, pleasantry, and good humour, which are the real features of his character." *Political Magazine*, vol. 1, p. 473.

* "It was generally agreed, both by members and strangers, that Mr. Burke had not

reason, likewise, why he preferred gentlemen without doors to gentlemen within, was, that by adopting the former, all that ground of offence to the other House of Parliament, which had been given on former occasions, would be removed, and the possibility of a difference with the Lords avoided, a matter which was at all times to be wished, but particularly at present. His lordship stated what the occasion of the differences with the other House was upon former Commission Bills; declaring that the Lords had then objected to the commissioners being members of the House of Commons on these two grounds; that the House of Commons by naming their own members, took from them the right of nomination and election, which they alledged they possessed as well as the Commons, and that the commissioners being members of parliament, were not subject to that controul, which they ought to have a power of exercising over persons delegated to inquire into and report the state of the public accounts. These objections he thought much stronger than many people had imagined, and therefore it became additionally proper to avoid occasioning a difference with the Lords now. He then went on to state that as in former commissions, he should limit the number of commissioners to nine persons, and the time of the commission remaining in force to one twelvemonth, by the expiration of which time he thought the business of the commission might be done; but if it should not, the House would have it in their power to continue the Act in force for a longer time.— Having mentioned these preliminaries, his lordship proceeded to the nomination of the commissioners. They must, he said, from the nature of the accounts which would come before them be men of different lines in life, and of different pursuits. As a large part of the accounts would refer to the army, he had turned his eye towards able officers, who were competent to judge of the propriety of the expences incurred in the management of the military in America. He had next looked to the law, and to those of that profession who were most in the habits of settling accounts, and adjusting differences between parties; for these he had gone to the Chancery, the great court of account of the kingdom, and there he had fixed on those who were immediately concerned in accounts, viz. the masters. The third description of persons he had thought of,

were merchants, and such men as were likely to be the best judges of buying and selling either by contract or otherwise. The name he should first mention to the committee, would be that of a gentleman, to whom possibly some objection might be made, because he was free to own he was a placeman, and what was more, he was a placeman of his making, but in no one act of his public life did he glory more, because he was convinced, from his great ability and knowledge of business, that gentleman had done his country most essential service. He was a man not by any means unknown, a man of as upright a heart, as clear a head, and as honest a mind, as any one man living, let his station in life be what it would. The gentleman he alluded to was Mr. Thomas Bowlby, comptroller of the army accounts. He was one whose talents, as well as the many recommendations he had received from various quarters, pointed him out as a very fit person to be a commissioner. At the head of those, however, he would name sir Guy Carleton, an officer of such distinguished merit, and such exalted character, that he presumed no gentleman would make the smallest objection. Sir Guy Carleton therefore, he meant for one commissioner. Mr. Bowlby for a second, and he should next name——

Mr. *Byng* rose suddenly and said, as the insult about to be put on the House was of the most intolerable kind, no less than a daring attempt to sink them in the most debasing manner, and annihilate their best privileges, he begged the noble lord would nominate but one person at a time, that the committee might pass their judgment on that one, before they proceeded to take a second into their consideration.

Mr. *Brett* rose, as the House was rather proceeding to disorder, to beg that gentlemen would be serious, and consider the very great importance of the subject before them.

Mr. *Burke* ironically congratulated the noble lord on his glorious beginning, and begged that he might be suffered to proceed without interruption through his nomination, declaring he was extremely desirous of seeing the whole *dramatis personæ*, since it was impossible to judge of any drama by a sight of only one or two of its personages, but that the whole must pass in review, not only the King and Princes, but the first, second, and third mob, and all the retinue.

General *Conway* declared he felt him-

self so exceedingly hurt at what had passed, that he hoped the noble lord would not be suffered to proceed a step further till the House had first determined whether an instruction should be given to the committee, directing them either to nominate members for the commissioners, or strangers. The noble lord had mentioned sir Guy Carleton at the head of his list: a man whom he regarded as the most virtuous, the most honourable, and one of the most respectable characters in his profession. He did not know upon the face of the earth a person so dear to him as sir Guy Carleton, why, then, must he be reduced to the cruel necessity of putting a negative upon a character so truly estimable, merely because he did not approve of the measure itself; and why must the name and reputation of an officer of such distinguished merit be bandied about in that committee, when after all, it might happen, that the House would not, upon the report, approve the nomination? He thought it therefore the properest way to resume the House immediately and to discuss the point, and settle decisively whether the commissioners should be members of parliament or not. For this reason, he desired to move, "that the chairman do leave the chair, report progress, and ask leave to sit again."

Mr. *Rigby* expressed his astonishment at this motion. He said he had understood, that gentlemen had agreed to go into the committee, and go through the nomination and other parts of the Bill. The noble lord had a little while ago, made an opening for discussing the subject, which the hon. gentleman who spoke last, had expressed such anxiety to debate and decide upon, but not a word about it was then thrown out. Now that gentlemen were in a committee, without any one good reason, a sudden disposition had shewed itself to settle that, which, if disputed, surely should have been settled before. And what had caused this disposition? No one thing that he could even guess at, excepting the noble lord's having nominated as a commissioner sir Guy Carleton, who, according to the hon. gentleman who made the motion, was the fittest man in the world for the situation he had been nominated for, and to whom he did not conceive there would come from any gentleman the smallest objection. Mr. *Rigby* assured the committee that he did not know who were to be nominated commissioners, till after he had entered

those doors that afternoon: that he thought such conduct towards the noble lord so unfair, and so unreasonable, that if the right hon. gentleman persisted in his motion, he would take the sense of the House upon it, for he was determined the chairman should not quit the chair without a division.

Mr. *T. Townshend* rose to second the motion, and prefaced his so doing with a warm speech, in which he severely attacked the noble lord, accusing him of having offered the most gross insult to parliament that ever a minister dared attempt. He asked why sir Guy had been suffered to remain so long idle, if he merited the praises the noble lord had bestowed on him? Why not give him a command instead of putting a pen into his hand? He reprobated the idea of employing men in direct opposition to their professions, and said that making an officer a commissioner of accounts was of a piece with making a *commis* a colonel of a regiment. He also objected to sir Guy as having an account to make up himself, and therefore he thought him disqualified from sitting in judgment on the accounts of others.

Colonel *Barré* coincided in this idea, and advised putting a truncheon into sir Guy's hand, but by no means disgrace a brave officer by turning him into a clerk. The colonel recommended permitting the noble lord to proceed in stating his commissioners, and then when he came to put the question upon the first name, to take the sense of the House upon the general idea, whether sir Guy, not being a member, should be a commissioner, aye or no. In order to do this, he advised his right hon. friend to withdraw his motion for the present.

Lord *North* said, he thought it would be fair to take the sense of the House on the proposition then, and not to suffer him to proceed mentioning the rest of the names till the matter was decided. If the sense of the House was known, he should act accordingly; in case the House should determine that the commissioners should be members of parliament, he would not mention the name of any one gentleman who was not a member, and so *vice versa*, he could not therefore but think the right hon. gentleman's motion perfectly candid and reasonable: for which reason he must hope that the committee would agree in taking it then, and giving their votes upon the matter, so as to decide it one way or the other.

Colonel *Barré* reprobated this as an unprecedented want of candour. He declared whenever a gentleman desired to withdraw his motion, it was always usual to allow him to do it.

Mr. *Cornwall* was for considering the present question as decisive, and if it were carried for the chairman to leave the chair, to take it as a decision that the commissioners should be members of parliament; but if it were carried, that he should not leave the chair, to take it the other way, and proceed in the nomination. He mentioned the committee for the taking an account of the Irish estates that were forfeited, near the close of the last century, as a proof that committees, which were composed of strangers, had been allowed by that House.

Mr. *Dunning* insisted, that so far from the present Bill complying with the prayer of the petitions, or answering the wishes of the people of England, it ran directly counter to both. The people of England most unequivocally called upon the House to correct the gross abuses in the expenditure of public money, to reduce all exorbitant emoluments, to rescind and abolish all sinecure places, and unmerited pensions, and to appropriate the produce to the necessities of the state, in such manner, as to the wisdom of parliament shall seem meet. The petitioners looked up to the House as possessing the means to go to, and to exterminate the root of the evil, opportunity to trace it to the bottom, by proper and necessary investigation, and power to eradicate it effectually, totally and without danger of leaving the smallest vestiges of its existence. Did the Bill shew, in any one sense whatever, that the House possessed the power which the people of England supposed it to possess, or did it amount to a proof, or any thing like a proof, that they were willing, possessing that power ascribed to them, so to exercise it, as to answer the expectation of the people without doors? On the contrary, was not the present Bill a solemn and formal renunciation of the powers ascribed to that House by the petitioners? Was it not apparently and substantially a resignation of the rights of the House, if any such rights they possessed, as the petitioners perhaps improperly, perhaps ignorantly, supposed they did possess, and a total abdication of them as far as they could be usefully exercised, in truly, seriously, and solemnly proceeding to afford the relief and redress of grievances which

the people of England required at the hands of that House? Did the noble lord, if the purport of his speech was at all to be relied on, afford the least hopes, that even admitting for a moment, though by no means agreeing to the proposition, that it was either wise, warrantable, or consonant to the constitution of parliament, to delegate on any occasion those rights which belonged to the House of Commons? Did the noble lord however, admitting the proposition in its utmost extent, give the least ground for hope, that he wished to delegate the rights of the House of Commons to such hands as were proper to be entrusted with so extraordinary a delegation? Without entering into a discussion, or meaning to question the character, honour, integrity, or ability, of the intended commissioners, and agreeing fully and entirely, as he believed every gentleman would most readily agree, that the two persons, who had been named, merited all the encomiums which the noble lord had been pleased to pass upon them, was it not fair to conclude that all the commissioners, whom the noble lord intended to nominate, would be placemen? He meant not to say that they would all be placemen in the present tense, but changing the tense, they would be placemen; placemen now, or placemen in the highest probable expectancy, placemen in future. He then, with infinite poignancy of wit, turned all the three descriptions of strangers pointed out by lord North, as fit persons for commissioners, into ridicule. The military commanders he objected to as incompetent from their want of familiarity with accounts and papers, the masters in chancery for their characteristic delay, (appealing to the House whether most of the gentlemen present could not feelingly witness the tediousness of the processes in chancery), and the merchants as expectant contractors. In the course of his speech, he expressed his surprise at hearing sir Guy Carleton nominated by the noble lord. That officer had never before been honoured with the nod of Jupiter, nor did he recollect that any of his satellites had on any former occasion shot off to illuminate his character. He concluded with expressing his wish, that the noble lord might be suffered to proceed in the nomination of his intended commissioners, that the House might fully know the extent of the noble lord's attempt to persuade them to resign and abdicate those powers with which they were constitutionally invested.

Mr. *Dundas* contended that the delegation aimed at by the noble lord was neither unprecedented nor unparliamentary; that the noble lord had no object whatever but the public good, and that object could not be so well attained as by appointing the commissioners from among the persons without doors. He put the case fairly, if the commissioners had been appointed either from one side of the House or the other, or had been formed from a mixture of both, whether every gentleman must not be convinced, that the three compositions of commissioners would not have been severally objectionable, the two former upon equal grounds, and the third more than either. In order to shew this question in its true light, he asked if gentlemen were not perfectly aware, that in case the commissioners were chosen from the side of the House on which he stood, whether it would not be immediately said, "the commission is a trick, a piece of chicane of the minister; the commissioners are his friends, his dependents, his creatures! What good can the people at large look for from men chosen to inspect the accounts of the noble lord himself and those about him, who look upon the noble lord as their patron, their maker?" Gentlemen on the other side, were generally warm, and frequently hot; not that he meant to complain of their warmth or their passion; he was glad to see either, because he was convinced, that men who flew to hard words, and to heat, had no argument to resort to, and substituted passion for pleading, strong expressions for sound reasoning, and ill-language for sober discussion. Those who were on his side, were accustomed to govern their passions better, to keep themselves more cool, and to speak with a greater degree of temper and moderation. But temperate and meek, (for meek even to reprehension he sometimes thought they were, to put up with the gross attacks and illiberal abuse of the other side of the House) was it not probable that his hon. friends, in case the commissioners were all named by opposition, would say, "their report was not the result of a fair and candid investigation of the facts which came before them, but an effort of party founded on factious motives, and having no other view but to turn out the ministry and possess themselves of their places." Thus, while the report of the one description of men would be termed factious, the report of the other would be pronounced

a mere screen for ministerial speculation. Still worse would be the result, were the commissioners to be a mixed number of members of gentlemen on both sides; in that case, business would be put a stop to entirely; the animosity of the one set would operate upon the irritability of the other, both would in consequence be betrayed into ill-humour, spleen, and petulance, and rage and madness would take place of sober investigation, and wise and deliberate decision. In every one of the three points of view, therefore, the end of the commission would be frustrated, and the people without doors would be dissatisfied, and having cause to complain of the House, would be induced to think meanly of its functions, its inclinations, and its powers to do them benefit. This was surely a feeling which no gentleman, who would pause a moment and think coolly of the present temper of the times, would wish to impress on the minds of the people without doors. One of the chief uses of the intended commission was to afford satisfaction to the public. Great as the other considerations were which presented themselves to view, they almost sunk before that object, and gave way to it. The expences of the war were undoubtedly large, and the burthens imposed on the subject necessarily severe. No earthly consideration, therefore, would be equal to the being able to convince the people at large that their money was not misapplied, that it was not spent in corrupt purposes. The grand aim of the Bill was to effect this salutary purpose. Could gentlemen seriously think that it was likely to be answered so well as by appointing some of the people themselves to fill the commission? A great deal had been said of parliamentary influence, if that argument deserved to have weight without doors, did it not apply directly in support of the noble lord's proposition, of having for the commissioners, persons who were not members of that House? Undoubtedly it did. In proof that a commission of the kind alluded to, was no novelty, and that the House had more than once delegated their power and their rights in great instances; he mentioned Mr. Grenville's popular Bill, which had been so much praised on all sides the House, and by all parties; that Bill, which gave to a small number the rights of the House collectively, in that most essential of all matters to be decided upon, the right of election.

Colonel *Barré* went through an historical enumeration of all the commissions of account bills that had been brought into parliament towards the close of the last century, and at the beginning of the present, stating minutely the progress and reception of each. He rescued the members of that House from suspicions of unfairness from party motives, by saying, that when men of honour met on business, no one commissioner could be supposed capable of acting partially or uncandidly, and even if such an illiberal idea was entertained of them, no gentleman of either side, chosen a commissioner, would dare to do otherwise than to act uprightly, because his character would be at stake, and he would have to answer for his conduct to that House and to his country. He said, he had proof that men of all parties deserved a fair prejudication, because he had sat upon a committee with gentlemen of the other side of the House, and that upon the investigation of a contract, when there was no cause for imputing that disgraceful suspicion, which the learned lord had thought proper to impute to the members of that House, and the reason was obvious—the members elected of that committee were all men of honour, and they had acted consonant to that character. With regard to the two gentlemen mentioned, he said he had no other objection, but that the one was clearly a placeman, and avowedly bound by gratitude to look up to the noble lord as his patron and his maker, the other was himself a public accountant. What was the office sir Guy Carleton was now talked of for? Why this—not to wield the truncheon, but to wave the pen; to turn *com-mis*, to examine the public accounts! Undoubtedly the talent of writing ably was a great additional qualification in an officer, some officers possessed it in an eminent degree, and some did not; the latter perhaps made it up to their country by their superior personal bravery, their superior knowledge of the art of war, and their eminence as men of distinguished military character. In France, where military character was better understood than in any country, the talent of writing ably was so far from being thought peculiarly commendatory in officers, that generals so qualified were spoken of with contempt, and in the coarsest terms the French language would admit of.

Sir *Fletcher Norton*, before he entered into a consideration of the proposition that

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the commissioners should not be members of parliament, said, he could not help thinking it an extraordinary way of complying with the petitions of the people, the two great aims of which were, œconomy in the public expenditure, and the diminution of the influence of the crown, to frame a commission, creating new placemen at the nomination of the minister, and to be paid large salaries, with a power to employ as many secretaries, clerks, messengers, &c. as they should think proper, at the will and pleasure of the said commissioners, so appointed by the minister. With regard to the right of delegation, he said, he was most fully convinced no such right existed in that House. They were the representatives of the people, empowered to act for their constituents by themselves, and in their own persons solely. That their powers and privileges were personal, and could only be personally exercised. Their first power, and that which gave them all their weight and balance in the constitution, was the power of the purse. That power was two-fold, it consisted of the exclusive right of voting the public money, and their right of examination and controul of the public accounts. These two parts of their power were inseparable; it therefore behoved every man who wished well to his country, and who desired to preserve its constitution in its native purity, to watch over both with equal jealousy; because if the one were parted with, no man could say, as the transition was extremely easy, that the other would not follow likewise, though perhaps the exact period of time might not be at hand. That House, therefore, had no right of delegation in any case whatever, they were the holders of the rights of the people, for whom they exercised them. The other House of Parliament was differently constituted; representing the aristocracy, they represented themselves, and consequently could part with that power, which was their own, as they chose, so long as their delegating of it did not affect the Commons of England. Hence their right of voting by proxy; but who ever heard of a member of that House voting by proxy? As to what a learned lord had said relative to Mr. Grenville's Bill, he was astonished that any man could suppose for a moment even, that the operation of that Bill was any way applicable to the present. Did that delegate the powers and rights of the House? No such thing. No more than when Bills were referred to com-

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mittees above stairs. In order to make the cases analogous, it must be proved that Mr. Grenville's Bill turned over the rights of election, and the claims of members to their seats, to the investigation and decision of strangers and foreigners. Every gentleman who heard him knew to the contrary. The present proposition, therefore, he was persuaded was illegal, and if come into, would amount to a forfeiture of the compact between the representatives and the represented, inasmuch as those who adopted it would clearly betray their trust, and forfeit the confidence of those who trusted them with the powers of the Commons of England. He observed that there was a great deal to do in a very little time; the House had solemnly pledged itself to redress the grievances complained of, and comply with the petitions of the people of England; there remained but a short period of the session to come, in which all this was to be done. It was high time, therefore, to get rid of measures, which, like the present Bill, were idle, nugatory, and frivolous, and proceed effectually and truly to keep their word with their constituents; if they did not keep their word, he knew not with what face they could go into the country, and meet those who sent them to that House of Parliament.

Mr. *Jenkinson* answered sir Fletcher by a variety of precedents, that the House had on many occasions appointed committees of strangers, and as such committees like that under the present Bill were not to decide, but only to enquire into facts, and report to the House the result of the enquiry, that it did not amount to the sort of delegation which sir Fletcher had said was a matter so studiously to be avoided.

Mr. *Fox* made a most able and warm reply, enforcing the strongest of sir Fletcher's arguments, and deeming him very high authority. He drew a simile between a commissioner and the officer in the French courts of justice, called *le rapporteur*, whose duty it was to examine into and state the facts; this officer, he said, was generally supposed to be a mere nobody, but it was well known that he had the whole cause in his hands, and that the fate of it depended on his mode of shaping his report. He also instanced the case of Verres, the general of Sicily, accused at Rome of abuse of trust by Cicero, and said that Verres escaped by procuring Lucius Sicilius, his officer, who had served under him, and was his dependent, to take

up the accusation against him: he then in a most animated manner quoted Cicero's speech to Lucius Sicilius, applying the character of Hortensius to lord North.

Mr. *Mansfield* said he presumed there was a Speaker of that House, in 1667, but he heard nothing of his objecting to a Bill directly similar to the present. Perhaps that gentleman had not the present Speaker's tenderness of conscience; perhaps he was a man, and felt something like firmness of mind.

The House divided: For Mr. Ord's leaving the chair, 173; Against it, 195. Although it was now two o'clock in the morning, lord North pressed that the committee should proceed.

Mr. *Fox* remonstrated against the unfairness and indecency of such a proceeding. Gentlemen, after sitting twelve hours in a very crowded and heated House, might well be presumed to be fatigued and exhausted. The committee was thinning apace; consequently, great numbers, who supposed that the House would rise immediately after the division, had gone away; but he would remind the noble lord over-against him, of what he believed he was no stranger to, that proceeding further to-night would not be following up a point already established, on which the sense of the House had been fully expressed. He would tell the noble lord what he meant: the negative put upon the right hon. gentleman's motion, decided this, and no more, that it was the opinion of the committee, that it would be proper that the commissioners under the present Bill should not be members of that House. That question having been decided by a majority of 22 gentlemen, what was the question now before the committee? Whether sir Guy Carleton, and Mr. Bowlby, should be two of the said intended commissioners? Here, then, a new principle was to be established; not whether those gentlemen were eligible, because they were not members, but because they were placemen. Mr. Bowlby was comptroller of the army accounts; sir Guy Carleton was a general, commander of a regiment, and, he believed, enjoyed some other post, or place of profit, under the crown. If one or both of those gentlemen were to be appointed commissioners, where, then, was the noble lord's great ground of argument gone?—That members of parliament, selected from either side of the House, would be suspected of partiality; if from his side of the House, of party prejudice;

if from that of the noble lord, of being influenced by places or pensions.—He would add two other considerations, one in reference to the noble lord himself, the other arising from the Bill now before the committee. When the noble lord snatched the Bill, or measure, out of the hands of his hon. friend (colonel Barré) he gave the fullest assurance to the House, that he was determined that no person enjoying any place, post, or emolument under the crown, should be appointed a commissioner. The noble lord had for once kept his word. The Bill which he produced was framed upon that idea. There is a clause in it, which expressly provides, that no person so described shall be a commissioner: yet, at the very eve of day-break, after twelve hours warm debate, when one half of the members are gone, and the other half tired out and exhausted, the noble lord, in direct contradiction to his own specific assurances, when he moved the Bill, to the Bill itself, as it now stands, which amounts to a record of those assurances, takes an unfair advantage of all those circumstances, and endeavours, in the most shameful manner, to precipitate the House upon a false conception of the principle now approved, not only to adopt another principle totally unconnected with it, that of nominating placemen, but to nominate placemen in one clause of the Bill, though they are expressly excluded in another.

Lord *North* acknowledged, that there was a clause in the Bill, which excluded placemen; but it would remain with the committee to determine whether, if Mr. Bowlby, for instance, should be deemed one of the most fit and proper persons, on account of his general character and known abilities, that his being a placeman would prove an incurable objection. The gentleman who objected to Mr. Bowlby acknowledged his merit, to as great an extent, and in as unqualified a manner as any of his most warm friends; the question would therefore turn upon this single circumstance, whether his being comptroller of the army accounts was sufficient, though qualified in every other respect to discharge a duty, which it was confessed on all hands required the abilities, experience, and knowledge that gentleman was known to possess.

Mr. *Fox* said, he felt the highest indignation at the language made use of by the noble lord. The abilities and integrity of Mr. Bowlby were entirely foreign to the

subject now under discussion. The question was not, whether Mr. Bowlby was fit or unfit. No man in that House, or out of it, had a better opinion of that gentleman than he had; but the question was, whether in a Bill which expressly excludes placemen from being appointed, one of the first gentlemen proposed should be a placeman; a placeman holding his appointment at pleasure, and a placeman obliged, for that appointment, to the noble lord in the blue ribbon. He did not know any expressions strong enough to convey his sentiments, respecting so shameful, barefaced, and disgraceful a conduct. Where are all the arguments, which passed in the course of a twelve hours debate, and which had been urged by the noble lord and his friends, with so much confidence? Members of that House, said the noble lord and his supporters, enjoying places under the crown, would be suspected of being under an improper influence; gentlemen on the other side of the House, of being under party influence; therefore, members of that House were not proper persons to be nominated. Strong as the influence of the crown was confessed to be, he would contend, that even from among the noble lord's own chief friends and supporters, nine persons might be selected, who, upon every fair ground of probability, and rule of public judgment, would be found much less objectionable than the gentleman whom the noble lord had proposed. It was well known to be a rule of law, and well supported by common experience, that the character of the person to whom influence was imputed, made no part of the consideration whether he was or was not eligible. It was sufficient to say, that his situation was such as subjected him to temptation. If an objection was taken to a juror, that he was a relation to one of the parties, whether the matter to be enquired into respected property or a criminal offence, it was never asked whether he was a great, and able, or good man; it was only necessary to know if he was the father, the uncle, near relation, or known dependent of one of the parties, or whether he himself might have an interest in the decision: the law presumed the rest, and with the strongest and most uncontroverted claims to the purest integrity, to the greatest abilities, and the most unbiassed and impartial judgment, supplied the want of proof by implication, and deemed him corrupt.

Lord *North* said, that he most certainly

appointed Mr. Bowlby to the place he then enjoyed, and likewise that he held it during pleasure; but he could say, that his appointment arose merely from that gentleman's merit; and as to the influence presumed to exist, on his holding his present place of comptroller *se bene placito*, he was ready to remove that objection, by changing the present tenor of it into that of *quamdiu se bene gesserit*, which would render him as independent of the crown as any person within or without that House.

Mr. T. Townshend said he had not the honour of knowing Mr. Bowlby, but by all accounts he was a very worthy man. He entertained a high opinion of sir Guy Carleton, as an able experienced officer, to whom his country lay under many obligations. But besides the objections stated against both those gentlemen, one of which was attempted to be softened by the noble lord, who offered to change a place held at pleasure into a freehold; a very curious method, he confessed, of removing or rooting all prejudices out of a grateful breast; but he would add, that there was still another which equally applied to both. Mr. Bowlby was comptroller of the army accounts: he was therefore in a responsible situation; he held a place, and was answerable in common with others for the faithful discharge of his duty. He would not say that sir Guy could be deemed a placeman within the meaning of the clause, though he believed he was; but then if he was not, sir Guy, as commander in chief in Canada, and governor of the province of Quebec, was accountable to the nation for the expenditure of several millions of the public money. He would therefore recommend it to the noble lord seriously to reflect, and feel the ground he stood on; for most clearly he would have something more than mere inconsistency to answer for; more than pledging himself to that House, when he moved for leave to bring in his Bill, that no placeman should be appointed a commissioner; more than contradicting that promise, without shame, by superseding a clause actually framed by himself, and inserted in the Bill for excluding placemen, and yet proposing the names of two gentlemen who were placemen; his lordship would have the resentments of the people without doors to contend and struggle with, when it should be known that gentlemen who had accounts themselves to pass to a very great amount, were the very persons chosen to inquire into the expenditure of

the public monies, and to propose a reform in time to come. This indeed would be too much; he hoped the noble lord would conceive it to be so, and that he would desist from proceeding at so late an hour of the night, when so many difficulties, and, in his opinion, insurmountable difficulties, stood in the way.

Sir H. Hoghton said, if the persons proposed were the fittest to fill the commission, he thought they ought to be appointed. He understood there was a clause in the Bill which excluded placemen. This, however, need not prevent the committee from proceeding; for when it reached that clause, it might be either totally struck out, or so modified, as to render every part of the Bill uniform.

Lord North agreed with the hon. gentleman, that if the committee should agree to insert the name of Mr. Bowlby, the clause which excludes placemen must be altered; but he begged the committee to attend strictly to the ground of exclusion; for in his opinion it went only to that of Mr. Bowlby's being a placeman. For his part, when he brought in the Bill, he had no intention of proposing Mr. Bowlby; and he could not help saying, that considering all the circumstances, particularly that gentleman's tried abilities and experience, in passing the army accounts, he thought it would be a very unfortunate circumstance if the public should be deprived of his services; and as to any presumed influence, he thought his proposal of assuring to that gentleman the possession of his place during good behaviour, instead of holding it at pleasure, would instantly remove every objection of his being a placeman, and such a placeman as might be presumed to act under the influence of a loss of his place. The hon. gentleman (Mr. T. Townshend) had started another objection, which was, that having accounts to pass himself, and consequently being subject to the controul of the commissioners, it would be absurd to appoint him to controul his own accounts. He begged to set him right as to that particular. Mr. Bowlby was comptroller; but for what purpose? Not to receive or pay monies, but merely to examine the accounts of others, and refer them to the Treasury. When those references came to the Treasury, warrants were issued or struck, and sent back to the comptroller, who drew upon the Exchequer under the authority, in favour of those who made the demand. His intended situation would

therefore exactly correspond with the duties of his present employment, that of controlling and examining the accounts of others, not his own.

Colonel *Barré* caught fire at the imposition attempted to be put upon the committee by the noble lord. He contended, that Mr. Bowlby, as comptroller, was as liable to come under the controul and examination of the committee, as any other person whatever. It was in the power of the comptroller of the army accounts, if he had the inclination, to be guilty of the most mischievous frauds. He might certify any accounts, however fraudulent, to the treasury; the treasury, on that certificate, might issue a warrant, the comptroller might transmit that warrant to the exchequer, and the public be cheated to an enormous amount, without the possibility of detection, according to the present mode of passing the accounts, unless he should be informed against by the *particeps criminis*: and, said he, I am astonished at the noble lord's confidence, in asserting that the office of comptroller is the only one that cannot be abused. I do contend, in the teeth of the noble lord's assertion, that it is the one that is subject to the greatest and most mischievous abuse.

Mr. *Dunning* said, the gentleman mentioned could not be appointed a commissioner, without putting a direct insult upon the House and the nation. The laws of the land, and the law and usages of parliament, proscribed any man from being a judge in his own cause; he trusted therefore, that he should hear no more of that gentleman as a commissioner. Mr. Bowlby having his conduct to justify in common with others, having accounts to pass in common with others, must have that conduct enquired into, have those accounts passed and controlled, in common with others.

Mr. *Fox* endeavoured to shew how extremely improper it would be to appoint a gentleman who lay under such particular obligations to the noble lord. He had given him a place during pleasure, accompanied with very considerable emolument; he had offered now to render it a place for life; the commission which the present Bill proposed, might lay open scenes not very favourable to those whom the noble lord was known to wish very well; he was of opinion, therefore, that with every good disposition it was possible for Mr. Bowlby's warmest admirers to impute to him,

it could hardly be expected from that gentleman that he would exercise the powers vested in him by the act, against the very person who had put him into the situation which enabled him to do so.

Mr. *Dundas* observed, that the subject started appeared to him to be of great importance, and of course to be worthy of serious consideration. He did not accede to the arguments used by the other side of the House, but in his opinion, they demanded a fuller discussion than could be expected from the House at that time in the morning.

Lord *North* observed, that two objections having been stated, he joined in opinion with his learned friend, and was ready to wave pressing the matter at so late an hour.

The chairman reported progress, and obtained leave to sit again. At 3 o'clock in the morning the House adjourned.

Debate on General Conway's Bill for quieting the Troubles in America.] May 5. General *Conway* began with apologizing for his attempting a task, which would much more fitly have been undertaken by many other gentlemen, of superior abilities to himself; all he could pretend to, in justification of what he was about to offer, was a deep-rooted sorrow for the calamities which afflicted his country, an anxious zeal to relieve that country from those calamities, and a thorough conviction that nothing could contribute so effectually to that end as peace with America. A ray of hope that peace might be brought about, and that the present was of all others the moment fittest for attempting it, had broke in upon him. He then proceeded to state, that he had endeavoured to mould and model his ideas on the subject, that they were shaped into a Bill, and in drawing that, he had studiously avoided touching upon any topic likely to prove contentious, or to challenge objection. He said, as he had no personal motive whatever, he had no desire to look to matters retrospectively, or to use arguments which carried in them anything invidious, or which had the appearance even of the least blame; his anxious wish was to put an end to the present melancholy situation of affairs, and to attempt to restore us to a more promising prospect. He was stimulated to undertake this just at present, from two powerful motives: the one, the necessity of peace with America on our part, from va-

rious considerations; the other, the desire and the readiness, which he was inclined to believe, would be shewn by America to make peace with us, provided we took such preliminary steps as should be undeniably convincing to America, that we did not mean to deceive her, but were really and sincerely disposed, to put an end to the war, and to make peace on such conditions as should secure to the colonies the full possession of liberty, and those blessings which belonged to a free constitution.

The general then went into an investigation of the American war, and said it had its origin in the proceedings of that dark committee, which sat fifteen years ago, in that House at midnight, and like a parcel of black conspirators were laying the foundation for all the disgrace that had since befallen us, and all the distress, all the misery which America and this country had suffered, and suffered at that moment. That committee in an evil hour took up the foolish idea, he might say, the fatal idea of obtaining a revenue from the colonies, by taxing in that House, those who were not represented in it. He had, he thanked God, opposed the measure at the time, foreseeing the probable consequences, and warning the committee, but in vain, of those consequences. Unfortunately, his predictions had proved too true, and we had proceeded step by step, from error to error, till we had brought upon us the present load of debt and difficulties. As if we had been determined to make the Americans rebels, whether they would or no, a cry of independence had been raised, early in the course of the dispute between the two countries, and a clamour had prevailed within those walls, to prove that independence was the sole original aim of America. This clamour could not have begun, much less could it have been increased till the Americans listened to it, and gave way to it, had the petitions sent over some years since by the colonies, long before they took up arms, been properly attended to. He would read a few extracts from the first petition, and from that delivered by Mr. Penn, for he had dived into every source of information, that he could possibly find, to make himself master of the subject, and he found none more satisfactory than the petitions he alluded to, because they were explicitly and truly the language of the whole people of America, authentically, formally, and constitutionally brought before the people

of Great Britain. He then read the extracts, which contained an earnest prayer, that his Majesty and his parliament would examine into and redress the grievances that America laboured under, declaring in the most loyal, affectionate, and dutiful terms, that by so doing, harmony would instantly be restored between the two countries, and that America had the most perfect confidence in the wisdom and goodness of the King, Lords, and Commons. This petition had been treated as a piece of waste paper, as a matter signifying nothing. Thus, by our own criminal inattention to a most dutiful and loyal petition, was all America forced to attempt to right themselves, but he was sure when they first began resistance, they had no idea whatever of aiming at independence. He did not mean by this to infer, that there were not some few mad and absurd people, of small note and inferior characters, who were influenced chiefly by a view to their own interest, and hoped to attain it by bringing about independence; in a great and extensive country like America, there might be some such persons, and he should be more mad and more absurd, than the most mad and the most absurd of these speculatists, if he could, for a moment, imagine that there were not. Why then, what had followed after the resistance of America commenced? Instantly the law, led the way, and forced us still deeper into error and mischief. The question then was, not how to accommodate the difference, and how to get back to peace and quiet again; but conquest and submission were held up by grave men, and men of the first professional characters; we were to plunge into blood, the Rubicon was passed, the sword was drawn; if you don't kill them, they'll kill you—that was the language of the day, and thus the law followed by those reverend ministers of a religion which taught peace, which enforced brotherly love and affection, and which he had ever imagined pointed to other objects than political fury, war, destruction, and bloodshed, egged us on through all the variety of measures which had marked and disgraced our annals, spreading devastation and slaughter in America, draining us at home of our men and money, and rendering us objects of horror in the eyes of all Europe. The reverend bench had led this dance, and it might truly be said it was the dance of death. The bench had much to answer for, to their country and to their con-

sciences; they had provoked the inquiry of the public, which sooner or later they might wish had not happened. Such provocation was a matter very unwise at least, because the more it was examined, in all probability, the conviction would be stronger; that the reverend lords, acting as peers of parliament, were the rotten part of the constitution. From this war, which now every one man living, let his political sentiments be what they would, damned and condemned, we had been drawn into a war with both branches of the House of Bourbon; we now therefore stood with an immense increase of debt on our shoulders; at war with America, with France, and Spain, without a single ally, without a single power our friend; on the contrary, every one of the foreign powers, great as well as small, acting either directly or indirectly in a manner inimical to our interests: even the little Lubeckers, the Dantzickers, and the town of Hamburgh, against us. What was worse, Holland, our natural ally, adverse to our interest, and refusing the least assistance. We were therefore turned out for the hunt, like the stricken deer, deserted and abandoned by all the herd. Let the House for a moment seriously reflect on this, and ask themselves whether a peace with America was not an object to be attained at any rate, and worth bidding for at any price?

While such was our situation, however, it was not to be supposed that the Americans were upon a bed of roses; most certainly they were not, and it was from a consideration of their present distress, and from other circumstances which he would mention, that he saw a ray of hope that peace might be brought about, and that it was just at that present moment, that a fit opportunity offered for laying a foundation for it. The general then went into a review of the progress of affairs in America, their present situation and difficulties. He ascribed their alliance with France to our having forced them to the necessity of making it. He said the Americans were from nature, from habit, from language, from religion, naturally adverse to the French, and from long connection, and old and laudable prejudices, much inclined towards this country. They had now found that their great and good ally was not the friend they expected. They naturally detested the name of a king, and preferred a republic to an absolute monarchy. They had an immense debt,

which France did not seem inclined to assist them in the payment of. France sent them soldiers, which they could not bear among them, and the conduct of count d'Estaing at Savannah opened their eyes to the instructions and designs of their great and good ally. Their paper currency was depreciated to such a degree, that forty of their paper dollars were sold for one silver dollar of 4s. 6d. value. They had this year lately ordered an emission of 15,000 dollars a month. Let gentlemen think of the immense burden. The majority of them groaning beneath the tyranny of those who had got the power into their hands, and ardently wishing for a restoration of the old form of government. Their army both ill paid, and worse clothed. So distressed had their army been last year, he was well informed, that they were reduced in a march, though every means was used to obtain and to coerce provision, to a small portion of peas *per diem* for some days together. From all these circumstances, therefore, it was evident that they were not upon a bed of roses. And as a proof that they were not so zealous in the cause they had embarked in, as had been described, he read an extract from a letter, written over to France from America, from a man of great abilities, who was sent to America by his court a few years since, for the purpose of inquiring into the state of the country, and the condition, temper, inclinations, &c. of the Americans. This Frenchman in his letter observed, that more enthusiasm in the cause of liberty was to be met with in a coffee-house at Paris, than could be met with in any part of America.

In the course of his speech the general said, the Americans were so right, and so justifiable in the beginning of their disputes with us, and we were so manifestly wrong, that he was with them in principle; he had been an American till they had joined with France and Spain, the natural foes of the mother country, and he then became a Briton again. His wish, therefore, was to put an end to the war with America, the better to enable us to carry our arms successfully against the House of Bourbon. He expressed a belief, that France was much the worse for the war, and Spain had suffered considerably by it, both those powers more than we had, as far as regarded them. Having stated this, and a variety of other particulars, he came to a consideration of the Bill which

he meant to move for leave to bring in, framing his ideas and moulding them into the shape of a Bill. He said, he had turned his attention to all the measures for conciliation with America, that had been suggested, as well those that had been proposed and rejected, as those which had been proposed and adopted. He mentioned the Conciliatory Bill of lord North, the Commission Bill, and the Bill proposed by the late earl of Chatham. The latter he had made the chief model of that he meant to propose, not that he had gone all the length that lord Chatham went; the times were altered much since that period, and every man must accommodate his political measures to the times, and to the passions, temper, and bias of the minds of those on whom his measures were intended to operate, otherwise he would be an idle speculatist, and would never find his measures practicable. Lord Chatham had made the foundation of his Bill, an express condition that America should admit the sovereignty of Great Britain, and every assembly should furnish a certain quota towards the public revenue. He was aware if such language was to be held out to America now, America would laugh in our face, and treat those, who should hold it, with as little ceremony as she had treated the commissioners sent out in 1778. The great aim of the Bill was to do something certain, to convince America of our sincerity, and to put it on her to claim the benefit of it, by giving her a right to claim it whenever she concluded a conciliatory agreement with his Majesty; the title of it was, "A Bill for quieting the troubles that have for some time subsisted between Great Britain and America, and enabling his Majesty to send out commissioners, with full power to treat with America for that purpose."

In candour, he said, he would read the Bill he intended to bring in, (if leave should be given him by the House), from which they would be better able to see at one view what his intention was, than they could learn it from all he had been saying. He then read the Bill, which will be found at the end of the debate. Having read it, the general said he was neither so mad nor so obstinate as to be attached to the wording of the preamble, or of the rest of the Bill, or to any part of it, as to refuse to give way to better words or wiser clauses, should the House propose either the one or the other; he only begged them to receive it, to alter it, add to it, diminish it,

new mould it, take the bad out of it, and keep only what was good in it; in short to do with it just what they pleased, provided they agreed to something upon the same principle. His objects were to reunite the two countries, and by rejoining the distracted parts of the empire, to add to the strength of the whole, to assist our trade by reviving commerce with America, to enable us to carry on a vigorous and successful war against France and Spain, our natural enemies; in a word, to restore happiness at home, and procure us glory abroad. This great end he thought might be attained, by something like the Bill he had proposed, and therefore he threw it upon the House, to act just as they should think proper respecting it.

Earl *Nugent* declared, that from what the right hon. gentleman had said of his Bill, in the latter part of his speech, he would second his motion. He approved highly of the principle of the Bill, though he did not like all it contained. As the right hon. gentleman therefore had said he gave the Bill to the House to mould and shape it as they pleased, he was ready to accept it on those terms. His lordship then made a loose speech on the state of our affairs, not only as they regarded America, but as they referred to the temper of the European powers. He painted our situation as alarming, and said peace with America was certainly a very desirable object. It was true we were without an ally, nay, what was worse, there was an armed neutrality in Europe, those who refused to assist us, arming themselves very powerfully to defend that neutrality, which, contrary to treaties, they insisted on maintaining. The state of affairs, he remarked, had altered very considerably within the last twenty years. The king of Prussia had effected this change, and the House of Austria had as much occasion to be jealous of the king of Prussia now, as it formerly had occasion to be jealous of the king of France. He said further, if the princes of Europe, who ought to assist us, stood by and saw us overwhelmed, they not only were not honest men, but they lost sight of their own interest; for if they suffered the House of Bourbon to become the great maritime power of Europe, every other European power must fall. His lordship accounted for their conduct, by saying, that in the pursuit of temporary objects, they gave up the prospect of their best and chief interests, and lost sight of all those great considerations of the future,

which wise men never forgot. He declared he was glad to see the Bill stop where it did, and leave the rest to be done by the King and his advisers.

Mr. Eden wished he could have caught the Speaker's eye before, as what he had to say would have come better immediately after the hon. gentleman had made his motion. He began by saying, that if it were, as the hon. gentleman had said, a moment of universal gloom overspreading our political hemisphere, it was certain that such a moment was well calculated for gaining the serious regard of all good men to the propositions now introduced. A Bill for quieting troubles; a supplement to what the hon. gentleman had called, the want of alliances and of friends; the restoration of the stricken deer to the herd; the turning of the dance of death into the music of the spheres; the re-union of warring brethren, and of the distracted parts of our strength; revived commerce with our colonies; successful war with France and Spain; happiness at home; glory abroad; all these were ideas which must vibrate on the heartstrings of every good Englishman. But in the philanthropy of our sentiment, in the reveries of our fancy, we ought not to lose sight of common prudence and practical policy. The warmth of our imagination might, indeed, carry us through the measure of the day; but the morrow must come, and the cool hour of recollection would attend it. In that hour we should have to ask ourselves, whether by an unadvised eagerness, we had not in the result produced that desirable end of peace and re-union, which, on both sides of the House, it was wished to approximate. He compared the present pursuit of peace, to that of Apollo in pursuit of Daphne; the object pursued, might indeed turn into laurel, wherever he could catch her; but he feared, that the hon. gentleman's running after her at present, would tend only to drive her to a distance, and in the result, that he would lose both the lady and the laurel. His great object, he said, was to deprecate the whole discussion of the subject; the introduction of the propositions was well meant, but it tended to do mischief. This was not a moment to say, what parliament would give, or would not give: parliament was not asked to give any thing: every gratuitous offer would be received as an admission of weakness, and not as the result of the generous spirit which dictated to offer; every point

omitted to be offered, would from that hour be considered as of importance, and would become a *sine quâ non*. The discussion might prove an useful weapon in the hands of the rebel leaders; it would be an useless instrument to the well disposed subjects. The generous inclinations and affections of Great Britain were now sufficiently known to all the world. The colonies were now in the very moment of recollection: the balance of desperate rebellion and returning loyalty, was now equally poised; it trembled on its centre; at such a moment, manly confidence, wisdom, moderation, and the avoiding of untoward events, might decide in our favour; but precipitation in our councils, superfluous discussions, domestic divisions, unadvised and premature overtures, might turn the beam for ever against us. He once more deprecated the discussion; he wished to dismiss the business with all possible respect to its mover, and therefore moved the order of the day.

Lord George Gordon rose to second the order of the day, and said he disliked the present Bill for an opposite reason from that which the hon. gentleman had stated. He disliked it because it was not contentious. He then proceeded to comment upon the minutes which he had taken down of many parts of general Conway's speech, answering each position, and endeavouring to controvert it. He ridiculed the idea of sending commissioners to America, unless they were empowered to admit the independence of the thirteen states in the first instance, and said, that if they were sent without being so empowered, they would go on a fool's errand, and be laughed at for their pains, as the hon. gentleman who had displayed his poetical fancy just now, and his colleagues, were in 1778. He contended, that America had no idea of independency until we forced her to adopt it, and said he lived in that country from 1766 to 1769, and was treated with the utmost hospitality and respect by them, they considering him as a young nobleman, a little midshipman, and shewing him every possible instance of regard, as a youth of rank from England, who might one day be sent out to them as one of their governors, receiving him into their houses, and sending him in a coach and four all the way from New York to Boston, and offering him money if he had chosen to take it. He said he had been in the houses of all the principal people in every one of the thirteen provinces, and

had always remarked the most rooted marks of affection, loyalty, and regard for this country. As an instance of it, he declared the first toast after dinner always was, "The King;" and the second, "The army and navy;" he could take his oath of this, and therefore those who had pretended that independence was their object from the beginning, had deceived parliament. He ridiculed lord Nugent for seconding the motion, after all his speeches formerly against America; "a fine motion truly (said he) and seconded by lord Nugent, with some embarrassment." This set the House in a roar. He then went through his commentary on his lordship's speech, and before he sat down, served Mr. Eden's in the same manner.

Mr. *Cruger* contended that the Bill by no means went far enough, that it would do no good in America, and would be of no more use than a piece of waste paper. He said, the American war, the real source of all our distresses and burthens, should be put an end to at all events; in order to do this, the independency must be allowed, and the thirteen provinces treated as free states. He made some remarks on lord Nugent's argument, and asserted that he had seen some letters written by that noble lord a few years since, in which he talked in a very different stile, and declared that we must have a revenue from America. He said he would not oppose the Bill, because the idea it was founded on, was an intention to open the door to a re-union with America, an object so much to be desired, that he had uniformly voted in favour of every proposition of that tendency, though he had been much blamed for voting for lord North's Conciliatory Bill. He should pursue the same line nevertheless, and since persons without doors could not be in his bosom and know what passed there, he should be satisfied with what he felt within him, and go on regardless of censure.

Mr. *T. Pitt* reprobated the Bill, as drawing a line much short of what America would expect, and without granting of which, all treaty would be vain.

General *Conway* said, he did not mean that nothing more should be done than his Bill laid down, and so far was he from designing to draw a line by it, that it by no means drew a line, but left room for any thing more to be done that was necessary. It only held out something certain to America, and opened the way to conciliation.

Mr. *T. Pitt* said, he was perfectly aware of the worthy general's intention; but he contended that the Bill would nevertheless have the effect in the eyes of America of drawing a line, as if Great Britain would go no further. He then proceeded, in an admirable speech, to point out the futility and danger of any such measure, and earnestly cautioned the House against adopting so fatal a proposition, admitting, at the same time, that the worthy general meant it well, and therefore deserved the thanks of the House. He said, he would tell ministry what was the proper step to be taken respecting America,—give her a pledge of the sincerity of this kingdom's wish to be reconciled; change the administration; and remove those ministers who had deluded America, and deceived parliament! He in express terms charged the late commission with being a deception, and said he was divided in opinion which to blame, the noble lord who was ambassador at Paris at the time the treaty with America was signed, or the noble lord in the blue ribbon. When he considered that an hon. friend of his (Mr. Fox) had assured that House long before the French rescript was delivered to lord Weymouth, that a treaty was actually signed between the court of France and America, he could not think the noble viscount had been guilty of such extreme criminal neglect, as not to have sent notice of it to ministers at home, and when he considered the high station the noble viscount now held, that he was one of the first officers of the crown, in the very bosom of the King's councils, he was convinced, the noble viscount had done his duty and given notice of the treaty in due time. On the other hand, when he considered the degree of guilt that would be imputable to the noble lord (North) could it be proved that he was aware of the treaty being signed, and of the terms of it; when he came down to that House and made his conciliatory propositions, he knew not how to suspect the noble lord, nor what to think. He surely never could have presumed to offer America so little, when he knew France offered her so much more. There was a degree of culpable folly in it, which he could not bring himself to believe the noble lord guilty of, he was therefore puzzled, and knew not how to solve the enigma. He repeated his declaration, that no good could be expected, unless those ministers who had made themselves so obnoxious to America, that she would not treat with them, were

dismissed, and again condemned the Bill, as likely to produce great mischief.

Mr. *Powys* did not approve the Bill. He was severe on lord Nugent, imagining that he had said, the prerogative had powers of legislation, equal to the granting America independence, without the authority of that House.

General *Conway* rose to explain, and flew into a vehement passion, on its being said that an idea similar to that charged against lord Nugent was defensible, declaring he wished any minister could dare to hold such a doctrine.

Lord *George Germain* rose on this, and said if any minister was mad and wicked enough to advise his Majesty, that his prerogative extended to the degree spoken of, he hoped to God, that minister would meet the just resentment and indignation of the House, and be pursued to condign punishment. He said he approved of the title of the Bill so highly, that he scarcely knew how to oppose a Bill so entitled. If the dismissal of ministers could produce peace, he said it ought not to be the consideration of a moment; ministers ought to be instantly dismissed. But before that step was taken, it behoved the advisers of it to prove that those who would succeed the present ministers were more likely to make peace with America. Every good man must wish for peace with America, whenever it could be obtained on honourable terms. It was the chief wish of his heart, and he flattered himself the completion of that wish was not far off. The Bill he could not by any means approve; it seemed more likely to put peace at a distance, perhaps to prevent it for ever, than to bring it nearer. He verily believed that the moment of conciliation was near. He described the misery which the Americans felt at this time, and stated, that the majority of the people there, were ready to return to their allegiance, but that they were prevented by the tyranny of those who had got the power of government into their hands. He did not believe that the Congress would ever treat for peace, but from the condition of affairs in America, as stated by the right hon. mover. From the depreciation of their paper currency, from the poverty and distress of the country, from the great debt it groaned under, from the dissatisfaction which all ranks of people expressed at the alliance with France, from the little benefit America had derived from that alliance, from all

these considerations he did believe that the people of America, the assemblies of America, would soon come to terms. His lordship said, that America was not up at auction, as it were, between the mother country, and France and Spain, that we were to bid for her against them. The case was widely different.

Mr. *Fox* replied to lord G. Germain, and ridiculed his argument, and every position he had laid down. He also attacked the Attorney General, though absent, on his being about to receive emoluments and rewards, for what he termed those inflammatory speeches that had caused the loss of America. He might, he thought, have come, and taken his leave of that House, he might have said *valet et plaudite* before he was called to the upper region. He did not like the idea of sending out commissioners, but declared, as that might be altered hereafter, he would vote for the Bill.

Lord *North* defended the Attorney General from Mr. Fox's attack. His lordship disliked the Bill, and shewed that various of the acts it tended to repeal, were already repealed.

Governor *Pownall* said he had not meant to speak on this occasion, and that when he heard the propositions read, he had determined to be silent: but having been called upon from different sides of the House, he did not think it proper that he, upon this subject, should suppress his sentiments. That believing as he did, as a matter of fact, not entering into any question of right, that America was an independent sovereign power, and would remain so, and be maintained and supported as such by other powers; the proposing to repeal any laws of ours which had respect to America, appeared to him like a proposition for repealing the laws which stood in our statute book respecting Gascony and Poictou. There was an act of navigation respecting Gascony. Would any one now seriously propose its repeal? But he said it consisted of two other parts, one declaratory, which he should consider, if the Bill passed, as a preliminary of treaty, and as such he should be for it. The other part, respecting the sending out commissioners to treat for peace, would be of no avail, would only expose, and still more humiliate the country, and would begin as the former mission did, in mockery, and end as that did, in disgrace. The noble lord knew, that even before his lordship had planned his scheme of com-

missioners, he had told him that would be the consequence. He said, therefore, as the ground of his own idea of the state of America on his own information, he must think this Bill could have no effect. That he rather wished it had not been discussed; but that it would be dangerous to reject it. Whatever, therefore, were the opinions of its effects, he should simply, as an experiment, have voted for it as he did for the noble lord's Bill for commissioners, although he had at the same time said to a noble lord, and in the House, that the measures could not succeed.—He said, that two noble lords, both ministers, speaking from official information, had given him ground, whereon, standing by their authority, he must now be decidedly for the propositions of the Bill; the commissioners excepted. They told the House, that the Americans were coming back to those sentiments towards this country, that they would come to treaty as colonists, and on terms submitting to our government. That being the fact, these acts and laws which attached upon the Americans as subjects to this country, should be repealed, to clear the way to the grounds of peace. It was now, upon that state of the case, become absolutely necessary and he begged to remind the hon. general that there was one he had forgotten, that was the Declaratory Act; he turned then about to the general, and said, "I hope it is meant to repeal that Act," and turning to the House, said, "I find it is so meant." Upon these grounds, and acting on these reasons, he should give his vote for the Bill, but hoped to see the clause about commissioners taken out.

Mr. Rous said—A law is proposed, giving authority to the crown to conclude finally with America, meaning on the terms of yielding their independence. If it be a mere delegation of a general power, leaving to the discretion of ministers to determine when or whether it is ever to be employed, such a law certainly admits that the crown ought to have this general unrestrained power. If it be intended as an intimation, that the time may probably soon arrive, when the exercise of this power will be proper, such a law may not only forward the event, but certainly lessens the responsibility of ministers. If, lastly, it be intended to prescribe the immediate exercise of this power, such a law will be a plain assumption of the executive authority by the legislature, an union of powers which ought ever to be distinct,

and will exempt ministers from all future examination of their conduct, by giving the previous sanction of parliament to their act; for it were idle to suppose the parliament could exercise a correct judgment on the subject. To form an opinion on the propriety of yielding independence to America, requires an accurate knowledge of the state of that country, of the temper of the people, of the resources of their government, of our own force, its destination and probable success: lastly, it requires a perfect knowledge of the force and resources of our enemies, of the views and engagements of the other states of Europe. Whence could this knowledge be derived, but from the executive magistrate, who has all the means of information in his hands? With his ministers, all ambassadors, and all other persons in a public employ, correspond. To him is confided the secret service money, with every other means of procuring intelligence. His ministers would, therefore, in effect, dictate the judgment of parliament, yet would an act thus procured operate as an act of indemnity to ministers. Let us not be wiser than our ancestors. Let us permit the executive power to proceed within its proper department, where the abuse of trust is not palpable and clear; and when time shall disclose all the circumstances under which ministers shall have acted, at present known only to themselves, let us judge their conduct with temper, and acquit or condemn, as their merits or demerits may require. The law proposed, in the first view, presumes a defect in the constitution, which I cannot admit; and in the latter view will operate as an indemnity to ministers, pernicious in its immediate effect, much more so in its example.—The question has been proposed, Do you contend that the crown can give independence to Ireland, or yield Scotland to a foreign state? Were I disposed to employ the same fallacy, I would ask, Can parliament repeal the Habeas Corpus Act, abolish the trial by jury, or give the force of laws to the proclamations of the crown? All government is a trust. Plain and palpable abuses require extraordinary interposition. Should parliament forget its duty, the people; should the crown betray its trust, parliament must interpose—not, I hope, to confound the different orders of the state, but to place the trust in more honest hands. In the present instance, either a cession of territory as the

means of peace is necessary, or it is not. In doubtful cases it is scarcely possible that parliament should antecedently possess the information, without which they cannot decide. The delays of their proceeding, and the public discussion of the information necessary, if such could be obtained, would destroy all the advantages which this country possesses, by placing the executive power in the crown. If the cession be obviously unnecessary, the breach of trust is apparent—parliament will interpose, by addressing the crown to remove the ministers, to break the convention, which, derived from fraud, would not bind the nation; would punish the ministers, or in cases of urgent necessity, where obstinate perseverance involved the ruin of the country, perhaps remove the sovereign and his family from the throne. Writers on the laws of nations have displayed great acuteness in discussing cases in which the nation at large, or the inhabitants of a ceded territory may resist the sovereign. Their principles apply equally, whether the people themselves or their representatives commence the resistance. I am not, however, reasoning on extraordinary cases; I reason, to use sir William Blackstone's expression, "according to the forms of the constitution." Neither is the distinction worth much contention. Prevention would in most cases be impossible. The commander of a garrison may yield a fortress, and may deserve death for his conduct; yet to regain the fortress would be difficult. Should the crown at this time withdraw the garrisons of Fort St. Philip and Gibraltar, the breach of trust would be gross, yet most men in the present situation of affairs would despair of regaining the possession. Should the crown recall the fleets and armies of Great Britain from America, is there a man wild enough to re-commence the war from the hope of conquest? The truth is, that where the decision is referred to arms, he who has the direction of the national force always must have it in his power to betray the rights of the community. Fortunately, where the breach of trust is most easy, the temptation is least. All the affections of the sovereign, the love of glory, of power, and of dominion, all the passions which govern men occupied in conducting the affairs of nations, war against the cession of a country which the force of the state can possibly retain. The probability is greater, that Britain will be exhausted in a vain and fruitless struggle for

dominion which she cannot uphold, than that the contest should cease before the interests of Great Britain demand a cessation of hostilities; or that the inclination of the sovereign to a disgraceful peace should precede the necessities of the state. The power of declaring war is a more dangerous trust, more liable to abuse: yet this trust is absolute in the sovereign. When the resolution is taken, the ambassador recalled, and war in effect commenced, messages are indeed sent to both Houses of Parliament, and general assurances of support returned in their addresses. Why? because the power of the purse, the grant of men, money, and ships, depend on the pleasure of parliament. This power operates in some degree as an antecedent restraint, but is not wholly effectual as a preventive. The war is in effect commenced, and defensive warfare at least becomes necessary to the public safety. Every man who has read our history, knows, that even this power of parliament was principally insisted upon with a view to a very different object, as a restraint in the internal government of the country. Could the sovereign raise money without the consent of parliament, parliaments were unnecessary: could the sovereign levy troops without the consent of parliament, he might by force overturn the laws. These grants of men and money are therefore made only for a year; nay, the military laws by which the troops are governed continued for no longer space, that without the concurrence of parliament by a new grant, by a renewal of those laws, the whole force entrusted to the sovereign may be actually dissolved. This restraint, though principally directed to the internal government, operates likewise as a considerable, but a very inadequate controul to the power of declaring war against foreign states.—Many gentlemen have been misled by the acts of parliament necessary in the conduct of this war. While the war is carried on against revolted subjects, not acknowledged as independent states by the proper authority (wherever that authority is vested) every American taken in war had a right by the laws of this country to be tried as a rebel, or to be released; every man had a right to reclaim his property, who had not forfeited that property by conviction. The interposition of the legislature, therefore, became necessary, but this necessity was derived from the forms of our internal government. From the same cause pro-

ceeded the act of parliament authorising commissioners to treat with America. The object of this mission was to settle the terms on which the Americans should submit to be subjects of Great Britain. Their claims were various exemptions from the legislative power of parliament. Parliament necessarily, therefore, became a contracting party, because the crown could not impose limitations on the power of parliament. This case was likewise new. Limitations imposed on the supreme legislature, by stipulations with subjects, have no precedents in our history. The thing itself became necessary, and the forms of our government decided by whom the act must be done. But it may be said, acts of parliament have been made respecting America. Can the crown repeal them? Acts of parliament have also been made respecting Grenada, St. Vincent's, &c. yet let these islands be ceded in a treaty with France made by the crown, these acts must fall, because the subject of legislation will no longer exist. The reasoning applies equally to America, when a cession of America shall be made by the proper authority. I think, from the analogy of our government, that authority resides in the crown. The sovereign cannot by any stipulations vary the rule of internal government, because he is a monarch limited by laws, or by rules of conduct prescribed by the legislature. The external power (where the internal government is not affected) seems to me incapable of such previous laws; in fact, none are given. This, therefore, in the language of Mr. Locke, is "a discretionary power of acting for the public good where the positive laws are silent;" for the abuse of which, if not directed to the public good, ministers are responsible. The acts of this power are in their nature momentary, for the most part incapable of recall, always dependent on circumstances known at the time only to those entrusted with the other parts of executive government. To transfer this power to parliament, to make the treaty their act, can answer no good purpose, will operate as an indemnity to ministers, and remove the single constitutional controul of which the subject is capable—the punishment of those who abuse it.

The question being put, that the orders of the day be now read; the House divided:

Tellers.

YEAS { Mr. De Grey - - - - } 123
 { Mr. Macdonald - - - - }

NOES { Sir William Meredith - } 81
 { Mr. Hussey - - - - }

General Conway's motion was consequently negatived.

Copy of General Conway's Bill for quieting the Troubles in America.] The following is a copy of general Conway's Bill:

"AN ACT for quieting the Troubles now reigning in the British colonies in America, and for enabling his Majesty to appoint Commissioners, with full powers to treat and conclude upon terms of conciliation with the said Colonies.

"Whereas a ruinous and unnatural war has for some years raged between Great Britain and the several British colonies in America, destructive at once of that harmony and mutual affection which had so long made the happiness and strength of both countries, and thereby giving every advantage to the known enemies of the British empire in all its parts; the first union of which had, by their cordial and effectual efforts, raised the name of Britain to the highest pitch of human renown and felicity, and had, during the course of many glorious reigns, served as a barrier to the liberties of Europe, and as the strongest support of the Protestant religion against the baneful schemes of popery and despotism. And whereas, in the heat of a contention, hastily begun, many pernicious maxims have been adopted, and many false and dangerous measures pursued on both sides. Now, in order to heal the said fatal dissensions, and to stop the farther effusion of fellow subjects' blood: be it hereby declared and enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual, temporal, &c.

"That immediately upon the conclusion of any treaty of conciliation between Great Britain and America, all those rights, privileges, and immunities, which were demanded by the several associated colonies in their petitions and memorials to the King, and to the two Houses of Parliament [and particularly in the petition of the Congress to the King, in the memorial of the colony of New York to the House of Lords, of the 25th of March, 1775, and in the representation and remonstrance of the general assembly of the said colony of New York, to the House of Commons of the same date]

ought to be, and are hereby declared, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual, temporal, &c. to be conceded and confirmed on the part of Great Britain to the several associated colonies, or to any one or more of them, who shall agree on terms of reconciliation as aforesaid, with any commissioners appointed, or to be appointed by his Majesty for that purpose.

“ And for these ends, and that no doubt may remain of the sincere and friendly intentions of Great Britain, and of her earnest desire to bring back the ancient affection of her children, and to restore that beneficial intercourse which must ever be the true basis of their grandeur and happiness: Be it hereby declared and enacted by the authority aforesaid, that from the day such conciliation or treaty shall be concluded, all or any of the thirteen associated colonies, so agreeing on terms of conciliation, shall be, and are hereby declared to be, at the peace of his Majesty, and restored to the usual intercourse of friendship and commerce.—And it is hereby further declared and enacted, That no tallage, tax, or other charge whatever, shall from thenceforth be raised on the freemen of America, without their own consent, by their representatives duly convened in assembly there. That the powers of the Admiralty and Vice-Admiralty courts be restrained within their ancient limits, and the trial by jury in all civil cases, where the same may have been abolished, restored. That no subject in America shall, in capital cases, be liable to be indicted and tried for the same, in any place out of the province where such crime shall have been committed, nor be deprived of a trial by his peers of the vicinage. That it shall not be lawful to send persons indicted for murder, in any colony of America, to another colony, or to Great Britain, for trial. That the judges in the law courts of the colonies, shall hold their offices and salaries as his Majesty's judges in England, ‘*quamdiu se bene gesserint.*’ That the colonies in America are justly entitled to all the privileges, franchises, and immunities, granted by their several charters and constitutions, and that the said charters or constitutions ought not to be invaded or resumed, unless for misuser, or some legal ground of forfeiture.

“ And for the said and other good and beneficial purposes, it is hereby declared and enacted, That the following Acts, or so much of the same as have been repre-

sented to be found grievous to the subjects in the colonies as aforesaid, namely, the Acts of 4 Geo. 3, ch. 15, entitled, An Act for granting certain duties in the British colonies and plantations in America. 4 Geo. 3, ch. 34. To prevent paper bills of credit hereafter to be issued in any of his Majesty's colonies and plantations in America, from being declared to be a legal tender, &c. 3 Geo. 3, c. 25, Act to alter certain rates of postage, and to amend, explain, and enlarge several provisions made in the 9th year of queen Anne, &c. 6 Geo. 3, ch. 52, For repealing certain duties in the British colonies and plantations. 14 Geo. 3, ch. 54. For better providing suitable quarters for officers and soldiers in his Majesty's service in North America. Act 17 Geo. 3, ch. 5. For prohibiting all trade and intercourse, &c. and to authorise persons appointed by his Majesty to grant pardons, &c. or such parts of the same as are found grievous to any of the said colonies; be and are hereby repealed from the day they shall have entered into, and concluded terms of conciliation with Great Britain, or with any persons authorized by his Majesty for that purpose. The said Acts also to be suspended and remain without effect in like manner, should any truce take place for a limited time between Great Britain and all or any of the said colonies respectively, during the continuance of such truce.

“ And be it further declared, that the Act of 14 Geo. 3, ch. 83, for regulating the government of the province of Quebec, shall be re-considered, altered, or repealed. And that no future doubt or jealousy may remain relative to the rights of the colonies, and the power of their assemblies lawfully constituted, be it declared by the authority aforesaid, that the said colonies, in their said assemblies, shall, agreeably to the said charters and constitutions, have full power and authority to regulate all matters for the peace and good order of their internal government; the legislature of Great Britain reserving only to itself the ordering and enacting such things as concern, as well the maintenance of the said charters and constitutions, as the general weal of the empire, and the due regulation of the trade and commerce thereof, upon those principles of equity and sound policy which shall, on full mutual discussion and consideration, be found most conducive to the general good. And that nothing may obstruct or retard the great work of peace, his Majesty is hereby

authorised to appoint commissioners, with full powers to treat and conclude either peace or truce with all, or any of the said colonies, upon such other or farther terms of conciliation, as to his Majesty in his wisdom shall seem fit; always understood, and the same is hereby again declared and enacted, that all the several privileges, immunities, and advantages, hereby granted to all or any of the said colonies as above mentioned, do serve as the basis of such treaty of conciliation, and are hereby sanctified and guaranteed under the faith of parliament as parts of the same.

“And be it further declared and enacted, by the authority aforesaid, that it shall and may be lawful for his Majesty to empower commissioners to grant free pardon to any person or any number or description of persons, or his full and general pardon to the inhabitants of all or any of the said colonies respectively, for all acts of hostility, and for all things done or committed during the present troubles, and previous to the signing or conclusion of any treaty of conciliation as aforesaid; and the same shall be considered, and is hereby confirmed as an act of perpetual amnesty and oblivion of such acts of hostility, and of all things so done and committed during the continuance of the said troubles. So may the ancient affection be happily restored to the two parts of the distracted empire, and a new æra of halcyon days succeed to the horrors and multiplied calamities of civil contention.”

Motion on calling out the Military upon the Meeting of the Electors of Westminster.]
May 8. Sir William Meredith said, he had some time since stated to the House some extraordinary facts, relative to a party of the military being armed and ready to come forth upon the people; when he stated them, he had taken them up upon newspaper report; he had since made himself master of the facts as they really happened, and was able to speak to them more fully; but as he did not see certain persons in high military offices, then in the House, he would not take up more time, but would content himself with moving; “That the proper officer do lay before this House, an Account of any Requisitions made by the civil magistrate, and by whom, for any of the horse or foot guards, to be in readiness from the 5th to the 7th of April last.”

Mr. Adam submitted it to the hon. baronet, whether it would not be more candid to withdraw his motion, till the

hon. gentlemen alluded to, were present to speak to the facts upon which the motion was avowedly grounded.

Mr. Jenkinson (Secretary at War) declared he knew of no order being sent for the military, for that no order had passed his office. He believed the civil magistrate, expecting a riot, had made a requisition to have some of the military ready to assist the civil power in case any riot had happened: that it was a common thing, and he saw no mischief, as the military in such cases were solely at the direction of the civil magistrate.

Mr. Burke arraigned the justices in terms of the severest sort, for daring to imagine or suggest that a riot would happen, when no riot was intended, and upon their weak and insolent suggestions to call out the military. He said the justices of Middlesex were generally the scum of the earth; carpenters, brick-makers, and shoe-makers; some of whom were notoriously men of such infamous characters, that they were unworthy of any employ whatever; and others so ignorant, that they could scarcely write their own names. Mr. Burke described the popular meeting on the 6th of April, as a most respectable one, and said the dukes of Devonshire and Portland, and other distinguished personages had there met the other electors of the city of Westminster, in a legal and constitutional manner, to debate and discuss great legal and constitutional points. How dared, then, such reptiles as the Middlesex justices attempt to call out a body of the military armed, upon a peaceable meeting, so respectable in its description?

Mr. Rigby defended the measure, and as an instance that the military so employed, and under the direction of a judicious magistrate, might be essentially serviceable in preventing riots, declared, that some years since the duke of Bedford's house would have been razed to the ground, had not Mr. Saunders Welch applied for fifty of the infantry, and planted them behind the wall in the front of Bedford house. He defended the Middlesex magistrates from Mr. Burke's censure, declaring that the office was a very troublesome one; that no person of distinction or family would undertake it, and therefore it was right to give douceurs to those who would. He said gentlemen who abused the magistrates for doing their duty, were not friends to subordination and good order; that so far from thinking the magis-

trate blameable, he had often wondered that the police of this great metropolis was so well regulated as it was. He ridiculed the meetings in general, declaring that a set of gentlemen meeting merely to make orations, and to vote thanks to one another, was a perfectly harmless matter.

Mr. *Burke* charged Mr. *Rigby* with defending those with whom he would not sit down to dinner, to whom he would not speak, nor suffer them to come into a room where he was.

Mr. *Eden* thought it superfluous on this occasion, to recur to any particulars, either of the old Bloomsbury riot, or the late Westminster meeting; and equally so, to introduce the names either of dead or living dukes. That the question turned upon a general principle, in which he agreed with the supporters of the motion, though he should differ with them as to the application of that principle. That he thought it right to entertain a most watchful jealousy of the executive power in the employment of the soldiery; but that this jealousy should, in politics as in private life, be kept within reasonable bounds, and should not start into action, upon the impulse of trifles light as air. That a respectable baronet, (sir G. Savile) had justly said, "If I ask for the key of my closet, and you falter, and hesitate, and turn pale, and delay to produce the key, shall I not suspect that something is concealed within the closet?" It was the case of Bluebeard, in some nursery reports; but in the present instance, it had not been stated, that there was any closet to conceal it, or any key to be called for: no case had been made for inquiry; no fact of abuse of the executive power had been charged. It was not just, then, to say that information was refused; some grounds must be shewn before information can be asked. The right hon. baronet had not laid his nest-egg; he had only stated a loose rumour from a newspaper, and upon the credit of such evidence called upon the House to express an uneasiness, which no man who heard him, in any degree felt; that nothing had been produced, either to prove the fact asserted, or the order which occasioned that fact. He concluded, therefore, with giving his negative to the motion.

Mr. *Fox* declared if it was understood that a set of men were to be let loose on the constitutional meetings of the people, that all who went to such meetings must go armed.

[VOL. XXI.]

The House divided on the question: Yeas 91; Noes 133.

Debate on Mr. Sawbridge's Motion for shortening the Duration of Parliaments.]

Mr. Alderman *Sawbridge* rose, and in a speech of some length introduced his annual motion for shortening the duration of parliaments. The alderman entered into a long deduction of historical facts, relative to the origin of parliaments, the duration of them at different periods, the establishment of triennial, and the last regulation effected by passing the Bill for septennial parliaments into a law. He cited the history of the several reigns in which the parliamentary alterations had been introduced, stating the grounds and motives upon which the alterations were made, and accompanying these premises with a declaration what were the consequences, and how far the purposes of the crown had been effected, and the liberties of the people invaded and diminished by each alteration. The original use of parliaments, he described to have been simply two-fold; to consider of the people's grievances, and to endeavour to obtain redress for them; and to consider of the wants of the state, and after a careful examination that the wants were real, and the occasion pressing, to vote such sums as were necessary. The first of these objects always took the lead, nor would our ancestors, in honest times, ever grant the crown money till the complaints of the people were listened to and redress afforded. As all courts were disinclined to hear of these complaints and grievances, so it had formerly happened, that parliaments were seldom assembled, and never but when the wants of the state were such, that government could not proceed without money from the people. He traced parliaments to their being called annually, and then spoke of the long parliament, in the time of Henry 8, which had sanctified all the monstrous stretches of prerogative that marked that reign; and of the long parliament of Charles 2. At length he came to the triennial parliaments, which had been introduced after the Revolution, in the reign of William 3, and in part of that of queen Anne, and ultimately arrived at the æra when the Septennial Bill passed. From all these historical facts he argued, that by the constitution, parliaments ought to be called annually; that the Triennial Bill was an incroachment on the people's rights and liberties, and the

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Septennial a still more unjust innovation, on the part of the representative body, who had by that law arrogantly assumed to themselves a power which was constitutionally vested in the hands of the people, and which of right belonged to them. He contended that the more frequently the power of election reverted to the people, the better would it be for the general interests of the nation; that if members were aware that their constituents would have a full opportunity of judging of their services and pronouncing on their conduct, annually, those services and that conduct would be more guarded. The means of corruption would be checked within those walls, and the temptation to act dishonestly being removed, the representatives of the people would of necessity act disinterestedly and uprightly. For these reasons, he wished to return to the first parliamentary principles, and to pass a law for parliaments to be chosen annually: he was aware, however, that much objection would be made to any attempt of that kind, and, therefore, not because he liked it better, but because he thought he could not carry his point, if he aimed directly at restoring annual parliaments, he should try to obtain triennial parliaments. After descanting on this for some time, and mentioning that the matter was at present much the topic of conversation without doors, he moved, "That leave be given to bring in a Bill for shortening the duration of parliaments."

Mr. Alderman *Bull* seconded the motion.

Earl *Nugent* rose, and said, that as the same motion had been made for some years past, and had been silently decided upon, he hoped the House would not go into a debate upon it then, because, as the hon. alderman had stated, it had been much the subject of discussion elsewhere. With regard to going back to our first parliamentary principles, surely that matter was not sufficiently considered. What! was it meant that parliament should be degraded to that state in which it was, when the service was so disagreeable that men were obliged to be paid for sitting and doing the public business? When that business was so unwelcome, that there were frequent instances of persons begging to be disfranchised, in order to prevent their being sent up to parliament? He could not believe the hon. alderman meant to go that length. His lordship owned himself an advocate for the Septennial Bill, and declared he had the highest parliamentary

authority that ever was, for pronouncing triennial parliaments in a great measure useless and extremely unlikely to answer the end proposed, namely, the checking that influence of the crown, which had been said to be "increased, increasing, and that it ought to be diminished." The authority he alluded to, was that of one of the ablest men that ever filled the chair of that House, Mr. Arthur Onslow. He had talked with Mr. Onslow on the subject of triennial parliaments some years ago, and that great man had told him, the proposition was an absurd one, because if it were adopted, the first year would be taken up wholly in hearing petitions on elections; in the second year the House would be able to do business, and in the third, the members would principally be engaged with soliciting votes, and making interest against the next election. Annual parliaments he objected to, as totally impracticable in the present state of public affairs. His lordship observed, that the present motion was not grounded on the petitions of the people, for there was not one word about short parliaments in those petitions. Much had been said, indeed, without doors, about annual parliaments, and about adding one hundred knights of the shire to the representation of the people in that House. Before, however, either of those points were accomplished, a great deal must necessarily be done, even should that House agree that it was right to alter the constitution of parliament so essentially. Were they prepared just then to take away from the crown the right of appointing sheriffs for the counties? And if they were not, the power of the crown would be considerably increased, if parliaments were either annual or triennial. So in boroughs, what regulation was intended respecting the returning officer? In many places that officer was elected by a very small number. In Bristol in particular, which he had the honour to represent in two parliaments, where the electors, he believed, amounted to 5,000, the returning officer was chosen by a very, very small number indeed. These, and other considerations, induced him to oppose the present motion, not only as unwise, but as impossible to be adopted, and carried into execution so as to answer any good purpose.

Mr. *Thomas Pitt* said, he wished to have remained silent on the question, but when a subject of so much importance was in agitation, he should be ashamed to evade

speaking to it, though his voice must go against the motion. He disclaimed all dread of unpopularity on this occasion, and declared, that it was with pain he stood up one of the first to oppose a claim upon that House evidently coming from the people; he could easily account why the people should wish for a shorter duration of parliaments; it was in human nature to be fond of power; the right of election being placed in the hands of the constituents, they parted with it for a time when they chose their representatives, and it was perfectly natural for them to desire that the right might revert to them as often as possible; but though no man would pay greater deference to the wishes of the people than he would at all times, he should hold himself unworthy of their confidence, if he agreed to any proposition, merely because it was the proposition of the people, when his own judgment and conviction clearly pointed out to him that the proposition was an unwise one, and that the people, in making it, were asking for that which would be in its consequences, if complied with, essentially detrimental to their interests. He said, had that House complied with the petitions of the people, and remedied their grievances, as they had promised, the people would not have desired to take away the power of sitting for seven years together in that House, which the representatives of the people now enjoyed, excepting only when the crown, for wise and necessary purposes, shortened the duration (for it ought not to exercise its prerogative in that manner, but for wise and necessary purposes) of parliament by a dissolution. He was however most fully convinced, that so far from diminishing the influence of the crown, annual or triennial parliaments would considerably increase it. The influence of the crown was not confined within those walls; if it were, we should be a great and happy people. It was the influence of the crown without doors that was so alarming. The increased public revenue was the great source of influence. The King in times of peace had fourteen millions to spend annually, and now how much more passed through the hands of government? If corruption would be checked without doors, if the people could be enabled to preserve their integrity and their independency, there would be nothing to be feared from the corruption of members of parliament. It was the purity of the electors that he was

most anxious for, conscious, that while they remained uncorrupted, the constitution would be safe from danger. But to return to the idea of annual or triennial parliaments. Had gentlemen forgot how many great families, even now, were ruined by their endeavours to get into that House, and had spent their whole fortunes in election contests? Was it to be learnt how hard would be the case of every honest, independent country gentleman, if the minister was to have the power of starting a court candidate against him every year, or every three years; what fortune could bear the expence? The consequence would be, election contests would become objects of horror, and the minister would soon have his own House of Commons. In his opinion, therefore, the present motion was beginning at the wrong end. A general election was, as matters stood at present, a mischief; if it was to happen oftener, the mischief would undoubtedly be greater. A general election was now not far off; if report were to be trusted, it was very near. The voice and spirit of the people seemed to be raised. He would, therefore, consent to rest the whole argument of the necessity for shortening the duration of parliaments upon the return of the next parliament. Wait that issue, see if the people had exerted that right they enjoyed, properly and correspondently with the spirit which now appeared to pervade the kingdom. If they did not send to parliament a House of Commons at once honest, free, and independent, he would confess, he had been much mistaken, and would join as heartily in supporting a bill for triennial parliaments, as the hon. alderman or any other of his friends.

Mr. Fox said he should be under the necessity of speaking more fully to the present question than he otherwise would do, because, as he had for years voted uniformly against the question, and as he meant to vote for it, it was due to the House, and due to his own character, that he should state the reasons of this difference of conduct. He said, he revered those wise and great men who brought in the Septennial Bill; because the principle on which they acted, in promoting that measure, was every way laudable, and every way justifiable; at the time of the passing of that Bill, the House of Brunswick had been just called to the throne, by the unanimous voice of the people, in defence of their liberties, and in order to protect them from the alarming attempts

of a Pretender, whose family was deservedly become odious for their tyranny, and by their repeated endeavours to subvert the constitution, to change the religion of the country, and to bury the liberties of the people under the fabric of arbitrary power, which it had been their constant wish to introduce and to erect. George I was a prince beloved by both Houses of Parliament, and looked up to as their guardian and protector; it was very natural under these circumstances to take every precaution to keep out a third person, a pretender to the throne, and to maintain the House of Brunswick in possession of it. With this view it was, that the three branches of the legislature had agreed to take such measures as were most likely to exclude the Pretender, and what measure could be more promising or more likely, than to pass the Septennial Bill? Thereby keeping together that parliament who were so well disposed towards George I, and who doubtless had no idea that a day could ever come when the liberties of the people would be in danger from the House of Brunswick, who never could suppose that the influence of the crown would be so increased in the reign of a prince of that House, that it should be voted by the House of Commons, to be increased, increasing, and that it ought to be diminished. They had therefore acted wisely, and he had ever admired and revered such men. It was from this admiration and this reverence that he had uniformly voted against shortening the duration of parliament. But what was the case now? The people of England, in whom the sole right of the duration of parliament lay, called upon that House to shorten it. The people of England made this requisition, a requisition they alone could make, and which, like every other requisition that came from the same quarter, he should ever hold himself bound to comply with, and to obey.—Mr. Fox answered lord Nugent's question about the sheriffs, and said, undoubtedly if the Bill now moved for passed, an Act must necessarily pass to make that alteration. He also turned off the objection urged by Mr. Pitt, relative to the frequency of elections, and the enormous expence which would unavoidably follow to private families, and honest and independent men, if parliaments were chosen either annually or triennially; shewing, that even now parliaments had no certain time of duration, for that it was in the power of go-

vernment to put an end to them, whenever it should be most for the purpose of government so to do; and that consequently government might harass individuals at present, as much as they could do then. One of the arguments upon which he principally rested was, that annual parliaments would lessen the influence of the crown, declaring, that if any of his constituents were to ask him what our present misfortunes were ascribable to? He should say, the first cause was the influence of the crown, the second, the influence of the crown, and the third, the influence of the crown; to that, and that only, in his mind, could it be owing, that an unpopular and unsuccessful ministry, whose measures had ruined their country, kept their offices. He ridiculed Mr. Onslow's opinion as stated by lord Nugent, and said, that noble lord's whole speech was a sample of that contemptuous conduct, which ministry assumed whenever they thought themselves secure; their way constantly was to be afraid, when they first heard of any thing that looked like danger approaching them, and as soon as they began to think themselves safe, to turn the object of their former terror into derision. So it was with the petitions of the people; at first nothing could be more humble than the language of ministers respecting them; they had promised every thing, but now having again their majority, they affected to laugh at, and to deride that, which they had most seriously dreaded.

Lord North began with ironically observing, that as the hon. gentleman who spoke last had constantly gone with him in voting against every motion similar to the present, which had been made from year to year, for some years past, and as no man was more fully acquainted with the principle on which it was objectionable, nor had any man been so able a defender of that principle, he was in hopes on this occasion to have had the honour of being assisted for once by the powerful and brilliant talents which distinguished the hon. gentleman, and that it would have been unnecessary for any other person to attempt to convince the House how mistaken those gentlemen, both within doors and without, were, who imagined, that if annual or triennial parliaments were restored, the influence of the crown would be diminished. His lordship having opened his speech in this manner, proceeded in a most masterly stile of argument, to shew

the dangerous tendency of the attempt to shorten the duration of parliaments, should such an attempt be carried into execution. He said, his ideas on the subject were not newly taken up, neither had he acquired them since he had any ministerial office or connexion; that the first time he had ever presumed to solicit the attention of that House, was to an argument against a motion similar to the present: that the matter he alluded to, occurred many years since, and that his opinion had been considerably strengthened by experience. He quoted the sentiments of a great man, whose name he could not immediately recollect, but who, speaking of triennial parliaments, had said, that their consequence would be triennial treaties, triennial alliances, and a triennial peace; that, in fact, so far from accommodating public business, they would derange and impede its progress. His lordship took up Mr. Sawbridge's historical account of parliaments, and shewed that our ancestors had clearly in view, that parliaments should sit annually, and said, that by degrees, that end had been drawing nearer and nearer, and was now attained. That the nature of our constitution, as it stood at present, required it. He further said, if parliaments were to be chosen for less than seven years, no gentleman could possibly think of attempting to begin any great public measure, because he could not be certain that he should continue in parliament long enough to bring it to perfection. He declared that every innovation ought to be watched with a jealous eye, because when once the spirit of innovation was abroad, it was impossible to say where it would stop. He should, had he no other reason, object to the present motion, because it was evident from what the hon. gentleman who spoke last had said, it was to be necessarily followed by several other innovations. The noble lord near him had mentioned the appointment of the sheriffs, a matter vested in the crown for centuries; the hon. gentleman had said with the most perfect ease, as if the matter were really trifling and indifferent "that the mode of appointing sheriffs must be altered, if the present motion was agreed to, and the Bill passed." This, he said, he did not approve, neither should he lightly assent to any alteration of the constitution. After pointedly animadverting on the difficulties that would arise in case the elections of returning of-

ficers were to be almost immediately followed by the election of members of parliament, and enforcing other strong objections to the motion, his lordship concluded with praising the healthiness of the constitution, as it stood, declaring, that every attempt to improve it, put him in mind of the epitaph on the tombstone of the famous Italian valetudinarian;—*Stava bene, voleva stare meglio—sto qui.* "I was well, I would be better—and here I am."

Colonel *Barré* supported the motion in a short speech, introducing lord North's commission of account Bill, and other temporary topics of oppositional severity, and concluding it with the words "*liberavi animam meam.*"

Mr. *T. Townshend* declared, he had not made up his mind to the idea of shortening the duration of parliament; the motion, however, was of so much magnitude, that it was at least worth while to give it full discussion; he was therefore for letting the Bill be brought in, and going to a committee; not that he meant to say, he should support it when it came there, but as it was the wish of the people, he thought it deserved at least so much respect.

Mr. *Rigby* ridiculed the new converts, as he termed Mr. Fox and those gentlemen who had now for the first time spoken favourably of a motion which they had voted against uniformly before. He argued strenuously against innovation, especially where the House was not made acquainted with the goal to which innovation was to be carried. He took notice of an hon. gentleman's having spoke against the motion, and then walked out of the House [alluding to Mr. Pitt, who had left the House accompanied by his father-in-law, Mr. Pinckney Wilkinson,] and said, he liked what was substantial, and should ever prefer a vote to a speech. He also, in strong language, shewed the inconvenience that would follow an alteration of the duration of parliament, and stated his reasons at length for being against the motion.

Lord *John Cavendish* spoke against the principle of shortening the duration of parliaments, but wished the Bill to go into a committee.

Mr. *Byng* was decidedly for the motion; and in reply to what lord North had said respecting triennial parliaments producing triennial alliances, asked where the noble lord's alliances were?

Mr. Burke rose and said :*

It is always to be lamented when men are driven to search into the foundations of the commonwealth. It is certainly necessary to resort to the theory of your government, whenever you propose any alteration in the frame of it, whether that alteration means the revival of some former antiquated and forsaken constitution of

* See Burke's Works, Vol. 10, p. 72, 8vo. edit. 1812. The above Speech was found amongst Mr. Burke's papers without date. The following short report of the Speech, taken from the Political Magazine for May 1780, settles the point :

"Mr. Burke, in a most able, ingenious, and elaborate speech, argued against the motion, shewing by the clearest argument, that if it were carried, and triennial parliaments were introduced, the influence of the crown would be most fatally increased ; if annual parliaments were the sort agreed upon, he asserted that there would be no contest, and consequently, that in fact, there would be no election. He declared, the question relative to the shortening the duration, could not be said to have originated in the wishes of the people, for it had never yet been properly before them ; if it had, and they had fairly discussed it, in every point of view, he did not doubt but they would have seen the danger of it, and determined wisely against it ; *qui cautè deliberant, facile pronunciant*. He said, however unpopular his speech might render him, it was his duty as an honest man, to deliver his sentiments on so great a subject, that his constituents might fairly know, what sort of a person it was, who offered himself as a candidate for their votes at the next election. He then proceeded to a most ample investigation of the whole subject, exhibiting with all that power of pencil which he possesses, and with all that glow of colouring, which no man can more beautifully display, that the consequence of shortening the duration of parliament, would tend to increase corruption, to ruin individuals, and to extend the influence of the crown. He reprobated the attempt of trying a triennial parliament, as dangerous in the extreme. If the experiment failed, we could not go back to septennial parliaments, without destroying the weight and importance which the interference of the people at large ought always to carry with it. He gave a detail of the triennial parliaments in the reign of William the 3rd, and shewed, that though they were little better than biennial parliaments, there was more corruption in them, than any our history recorded to have sat. He instanced the case of the East India Company's bribery of the members, mentioning the Speaker's being obliged to put the question on his own expulsion, and the affair of sir Philip Musgrave."

state, or the introduction of some new improvement in the commonwealth. The object of our deliberation is, to promote the good purposes, for which elections have been instituted, and to prevent their inconveniencies. If we thought frequent elections attended with no inconvenience, or with but a trifling inconvenience, the strong overruling principle of the constitution would sweep us like a torrent towards them. But your remedy is to be suited to your disease—your present disease, and to your whole disease. That man thinks much too highly, and therefore he thinks weakly and delusively of any contrivance of human wisdom, who believes that it can make any sort of approach to perfection. There is not, there never was, a principle of government under heaven, that does not, in the very pursuit of the good it proposes, naturally and inevitably lead into some inconvenience, which makes it absolutely necessary to counterwork and weaken the application of that first principle itself ; and to abandon something of the extent of the advantage you proposed by it, in order to prevent also the inconveniences, which have arisen from the instrument of all the good you had in view.

To govern according to the sense and agreeably to the interests of the people is a great and glorious object of government. This object cannot be obtained but through the medium of popular election ; and popular election is a mighty evil. It is such, and so great an evil, that though there are few nations, whose monarchs were not originally elective, very few are now elected. They are the distempers of elections, that have destroyed all free states. To cure these distempers is difficult, if not impossible ; the only thing therefore left to save the commonwealth is to prevent their return too frequently. The objects in view are, to have parliaments as frequent as they can be without distracting them in the prosecution of public business ; on one hand, to secure their dependence upon the people, on the other to give them that quiet in their minds, and that ease in their fortunes, as to enable them to perform the most arduous and most painful duty in the world with spirit, with efficiency, with independency, and with experience, as real public counsellors, not as the canvassers at a perpetual election. It is wise to compass as many good ends as possibly you can, and seeing there are inconveniences on both sides, with benefits on both, to give up a part of the benefit

to soften the inconvenience. The perfect cure is impracticable, because the disorder is dear to those, from whom alone the cure can possibly be derived. The utmost to be done is to palliate, to mitigate, to respite, to put off the evil day of the constitution to its latest possible hour, and may it be a very late one!

This Bill, I fear, would precipitate one of two consequences, I know not which most likely, or which most dangerous; either that the crown by its constant stated power, influence, and revenue, would wear out all opposition in elections, or that a violent and furious popular spirit would arise. I must see, to satisfy me, the remedies; I must see, from their operation in the cure of the old evil, and in the cure of those new evils, which are inseparable from all remedies, how they balance each other, and what is the total result. The excellence of mathematics and metaphysics is to have but one thing before you; but he forms the best judgment in all moral disquisitions, who has the greatest number and variety of considerations in one view before him, and can take them in with the best possible consideration of the middle results of all.

We of the opposition, who are not friends to the Bill, give this pledge at least of our integrity and sincerity to the people, that in our situation of systematic opposition to the present ministers, in which all our hope of rendering it effectual depends upon popular interest and favour, we will not flatter them by a surrender of our uninfluenced judgment and opinion; we give a security, that if ever we should be in another situation, no flattery to any other sort of power and influence would induce us to act against the true interests of the people.

All are agreed that parliaments should not be perpetual; the only question is, what is the most convenient time for their duration? On which there are three opinions. We are agreed, too, that the term ought not to be chosen most likely in its operation to spread corruption, and to augment the already overgrown influence of the crown. On these principles I mean to debate the question. It is easy to pretend a zeal for liberty. Those, who think themselves not likely to be encumbered with the performance of their promises, either from their known inability, or total indifference about the performance, never fail to entertain the most lofty ideas. They are certainly the most specious, and

they cost them neither reflection to frame, nor pains to modify, nor management to support. The task is of another nature to those, who mean to promise nothing, that it is not in their intention, or may possibly be in their power, to perform; to those, who are bound and principled no more to delude the understandings than to violate the liberty of their fellow subjects. Faithful watchmen we ought to be over the rights and privileges of the people. But our duty, if we are qualified for it as we ought, is to give them information, and not to receive it from them; we are not to go to school to them to learn the principles of law and government. In doing so, we should not dutifully serve, but we should basely and scandalously betray, the people, who are not capable of this service by nature, nor in any instance called to it by the constitution. I reverently look up to the opinion of the people, and with an awe, that is almost superstitious. I should be ashamed to show my face before them, if I changed my ground, as they cried up or cried down men, or things, or opinions; if I wavered and shifted about with every change, and joined in it, or opposed, as best answered any low interest or passion; if I held them up hopes, which I knew I never intended, or promised what I well knew I could not perform. Of all these things they are perfect sovereign judges, without appeal; but as to the detail of particular measures, or to any general schemes of policy, they have neither enough of speculation in the closet, nor of experience in business, to decide upon it. They can well see whether we are tools of a court, or their honest servants. Of that they can well judge; and I wish that they always exercised their judgment; but of the particular merits of a measure I have other standards. * * * * * That the frequency of elections proposed by this Bill has a tendency to increase the power and consideration of the electors, not lessen corruptibility, I do most readily allow; so far it is desirable; this is what it has, I will tell you now what it has not: 1st. It has no sort of tendency to increase their integrity and public spirit, unless an increase of power has an operation upon voters in elections, that it has in no other situation in the world, and upon no other part of mankind. 2d. This Bill has no tendency to limit the quantity of influence in the crown, to render its operation more difficult, or to counteract that operation, which it cannot prevent, in any

way whatsoever. It has its full weight, its full range, and its uncontrolled operation on the electors exactly as it had before. 3d. Nor, thirdly, does it abate the interest or inclination of ministers to apply that influence to the electors: on the contrary, it renders it much more necessary to them, if they seek to have a majority in parliament, to increase the means of that influence, and redouble their diligence, and to sharpen dexterity in the application. The whole effect of the Bill is therefore the removing the application of some part of the influence from the elected to the electors, and further to strengthen and extend a court interest already great and powerful in boroughs; here to fix their magazines and places of arms, and thus to make them the principal, not the secondary, theatre of their manœuvres for securing a determined majority in parliament.

I believe nobody will deny that the electors are corruptible. They are men; it is saying nothing worse of them; many of them are but ill informed in their minds, many feeble in their circumstances, easily over-reached, easily seduced. If they are many, the wages of corruption are the lower; and would to God it were not rather a contemptible and hypocritical adulation than a charitable sentiment, to say that there is already no debauchery, no corruption, no bribery, no perjury, no blind fury, and interested faction among the electors in many parts of this kingdom: nor is it surprising, or at all blameable, in that class of private men, when they see their neighbours aggrandized, and themselves poor and virtuous without that *eclat* or dignity, which attends men in higher situations.

But admit it were true that the great mass of the electors were too vast an object for court influence to grasp, or extend to, and that in despair they must abandon it; he must be very ignorant of the state of every popular interest, who does not know that in all the corporations, all the open boroughs, indeed in every district of the kingdom, there is some leading man, some agitator, some wealthy merchant, or considerable manufacturer, some active attorney, some popular preacher, some money-lender, &c. &c. who is followed by the whole flock. This is the style of all free countries.

—Multum in Fabiâ valet hic, valet ille Velinâ;
Cui libet hic fasces dabit eripietque curule.

These spirits, each of which informs and governs his own little orb, are neither so

many, nor so little powerful, nor so incorruptible, but that a minister may, as he does frequently, find means of gaining them, and through them all their followers. To establish, therefore, a very general influence among electors will no more be found an impracticable project, than to gain an undue influence over members of parliament. Therefore I am apprehensive that this Bill, though it shifts the place of the disorder, does by no means relieve the constitution. I went through almost every contested election in the beginning of this parliament, and acted as a manager in very many of them; by which, though as at a school of pretty severe and rugged discipline, I came to have some degree of instruction concerning the means, by which parliamentary interests are in general procured and supported.

Theory, I know, would suppose, that every general election is to the representative a day of judgment, in which he appears before his constituents to account for the use of the talent, with which they intrusted him, and of the improvement he has made of it for the public advantage. It would be so, if every corruptible representative were to find an enlightened and incorruptible constituent. But the practice and knowledge of the world will not suffer us to be ignorant, that the constitution on paper is one thing, and in fact and experience is another. We must know that the candidate, instead of trusting at his election to the testimony of his behaviour in parliament, must bring the testimony of a large sum of money, the capacity of liberal expense in entertainments, the power of serving and obliging the rulers of corporations, of winning over the popular leaders of political clubs, associations, and neighbourhoods. It is ten thousand times more necessary to show himself a man of power, than a man of integrity, in almost all the elections, with which I have been acquainted. Elections, therefore, become a matter of heavy expence; and if contests are frequent, to many they will become a matter of an expence totally ruinous, which no fortunes can bear; but least of all the landed fortunes, encumbered as they often, indeed as they mostly are with debts, with portions, with jointures; and tied up in the hands of the possessor by the limitations of settlement. It is a material, it is in my opinion a lasting, consideration, in all the questions concerning election. Let no one think the charges of elections a trivial matter.

The charge therefore of elections ought never to be lost sight of, in a question concerning their frequency; because the grand object you seek is independence. Independence of mind will ever be more or less influenced by independence of fortune; and if, every three years, the exhausting sluices of entertainments, drinkings, open houses, to say nothing of bribery, are to be periodically drawn up and renewed; if government-favours, for which now, in some shape or other, the whole race of men are candidates, are to be called for upon every occasion, I see that private fortunes will be washed away, and every, even to the least, trace of independence, borne down by the torrent. I do not seriously think this constitution, even to the wrecks of it, could survive five triennial elections. If you are to fight the battle, you must put on the armour of the ministry; you must call in the public, to the aid of private money. The expence of the last election has been computed (and I am persuaded that it has not been over-rated) at 1,500,000*l.*;—three shillings in the pound more in the land tax. About the close of the last parliament, and the beginning of this, several agents for boroughs went about, and I remember well that it was in every one of their mouths—"Sir, your election will cost you 3,000*l.* if you are independent; but if the ministry supports you, it may be done for two, and perhaps for less," and indeed, the thing spoke itself. Where a living was to be got for one, a commission in the army for another, a lift in the navy for a third, and Custom-house offices scattered about without measure or number, who doubts but money may be saved? The Treasury may even add money; but indeed it is superfluous. A gentleman of 2,000*l.* a year, who meets another of the same fortune, fights with equal arms; but if to one of the candidates you add a thousand a year in places for himself, and a power of giving away as much among others, one must, or there is no truth in arithmetical demonstration, ruin his adversary, if he is to meet him and to fight with him every third year. It will be said, I do not allow for the operation of character; but I do; and I know it will have its weight in most elections; perhaps it may be decisive in some. But there are few in which it will prevent great expences.

The destruction of independent fortunes will be the consequence on the part of the candidate. What will be the conse-

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quence of triennial corruption, triennial drunkenness, triennial idleness, triennial law-suits, litigations, prosecutions, triennial phrenzy, of society dissolved, industry interrupted, ruined; of those personal hatreds, that will never be suffered to soften; those animosities and feuds, which will be rendered immortal those quarrels, which are never to be appeased; morals vitiated and gangrened to the vitals? I think no stable and useful advantages were ever made by the money got at elections by the voter, but all he gets is doubly lost to the public; it is money given to diminish the general stock of the community, which is in the industry of the subject. I am sure that it is a good while before he or his family settle again to their business. Their heads will never cool; the temptations of elections will be for ever glittering before their eyes. They will all grow politicians; every one, quitting his business, will choose to enrich himself by his vote. They will all take the gauging-rod; new places will be made for them; they will run to the Custom-house quay, their looms and ploughs will be deserted.

So was Rome destroyed by the disorders of continual elections, though those of Rome were sober disorders. They had nothing but faction, bribery, bread and stage plays, to debauch them. We have the inflammation of liquor superadded, a fury hotter than any of them. There the contest was only between citizen and citizen; here you have the contests of ambitious citizens of one side, supported by the crown, to oppose to the efforts (let it be so) of private and unsupported ambition on the other. Yet Rome was destroyed by the frequency and charge of elections, and the monstrous expence of an unremitted courtship to the people. I think, therefore, the independent candidate and elector may each be destroyed by it; the whole body of the community be an infinite sufferer; and a vicious ministry the only gainer. Gentlemen, I know, feel the weight of this argument; they agree that this would be the consequence of more frequent elections, if things were to continue as they are. But they think the greatness and frequency of the evil would itself be a remedy for it; that, sitting but for a short time, the member would not find it worth while to make such vast expences, while the fear of their constituents will hold them the more effectually to their duty.

To this I answer, that experience is full

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against them. This is no new thing; we have had triennial parliaments; at no period of time were seats more eagerly contested. The expences of elections ran higher, taking the state of all charges, than they do now. The expence of entertainments was such, that an Act, equally severe and ineffectual, was made against it; every monument of the time bears witness of the expence, and most of the Acts against corruption in elections were then made; all the writers talked of it and lamented it. Will any one think that a corporation will be contented with a bowl of punch, or a piece of beef the less, because elections are every three, instead of every seven years? Will they change their wine for ale, because they are to get more ale three years hence? Don't think it. Will they make fewer demands for the advantages of patronage in favours and offices, because their member is brought more under their power? We have not only our own historical experience in England upon this subject, but we have the experience co-existing with us in Ireland: where, since their parliament has been shortened, the expence of elections has been so far from being lowered, that it has been very near doubled. Formerly they sat for the King's life; the ordinary charge of a seat in parliament was then 1,500*l*. They now sit eight years, four sessions; it is now 2,500*l*. and upwards. The spirit of emulation has also been extremely increased, and all who are acquainted with the tone of that country, have no doubt that the spirit is still growing; that new candidates will take the field; that the contests will be more violent, and the expences of elections larger than ever.

It never can be otherwise. A seat in this House, for good purposes, for bad purposes, for no purposes at all (except the mere consideration derived from being concerned in the public counsels) will ever be a first-rate object of ambition in England. Ambition is no exact calculator. Avarice itself does not calculate strictly when it games. One thing is certain, that in this political game the great lottery of power is that, into which men will purchase with millions of chances against them. In Turkey, where the place, where the fortune, where the head itself, are so insecure, that scarcely any have died in their beds for ages; so that the bow-string is the natural death of Bashaws, yet in no country is power and

distinction (precarious enough, God knows, in all) sought for with such boundless avidity, as if the value of place was enhanced by the danger and insecurity of its tenure. Nothing will ever make a seat in this House not an object of desire to numbers by any means or at any charge, but the depriving it of all power and all dignity; this would do it. This is the true and only nostrum for that purpose. But a House of Commons without power and without dignity, either in itself or its members, is no House of Commons for the purposes of this constitution.

But they will be afraid to act ill, if they know that the day of their account is always near. I wish it were true; but it is not; here again we have experience, and experience is against us. The distemper of this age is a poverty of spirit and of genius; it is trifling, it is futile, worse than ignorant, superficially taught; with the politics and morals of girls at a boarding-school, rather than of men and statesmen; but it is not yet desperately wicked, or so scandalously venal as in former times. Did not a triennial parliament give up the national dignity, approve the peace of Utrecht, and almost give up every thing else in taking every step to defeat the Protestant succession? Was not the constitution saved by those, who had no election at all to go to, the Lords, because the court applied to electors, and by various means carried them from their true interests; so that the Tory ministry had a majority without an application to a single member? Now as to the conduct of the members, it was then far from pure and independent. Bribery was infinitely more flagrant. A predecessor of your's, Mr. Speaker, put the question of his own expulsion for bribery. Sir William Musgrave was a wise man; a grave man; an independent man; a man of good fortune and good family; however he carried on while in opposition a traffic, a shameful traffic with the ministry. Bishop Burnet knew of 6,000*l*. which he had received at one payment. I believe the payment of sums in hard money, plain naked bribery, is rare amongst us. It was then far from uncommon.

A triennial was near ruining, a septennial parliament saved your constitution; nor perhaps have you ever known a more flourishing period for the union of national prosperity, dignity and liberty, than the sixty years you have passed under that constitution of parliament.

The shortness of time, in which they are to reap the profits of iniquity, is far from checking the avidity of corrupt men; it renders them infinitely more ravenous. They rush violently and precipitately on their object; they lose all regard to decorum. The moments of profits are precious; never are men so wicked as during a general mortality. It was so in the great plague at Athens; every symptom of which (and this its worst symptom amongst the rest) is so finely related by a great historian of antiquity. It was so in the plague of London in 1665. It appears in soldiers, sailors, &c. Whoever would contrive to render the life of man much shorter than it is, would, I am satisfied, find the surest receipt for increasing the wickedness of our nature.

Thus, in my opinion, the shortness of a triennial sitting would have the following ill effects; it would make the member more shamelessly and shockingly corrupt; it would increase his dependence on those, who could best support him at his election; it would wrack and tear to pieces the fortunes of those, who stood upon their own fortunes and their private interest; it would make the electors infinitely more venal; and it would make the whole body of people, who are, whether they have votes or not, concerned in elections, more lawless, more idle, more debauched: it would utterly destroy the sobriety, the industry, the integrity, the simplicity of all the people; and undermine, I am much afraid, the deepest and best laid foundations of the commonwealth.

Those, who have spoken and written upon this subject without doors, do not so much deny the probable existence of these inconveniences, in their measure, as they trust for their prevention to remedies of various sorts, which they propose. First, a Place Bill; but if this will not do, as they fear it will not, then they say we will have a rotation, and a certain number of you shall be rendered incapable of being elected for ten years. Then for the electors, they shall ballot; the members of parliament also shall decide by ballot; a fifth project is the change of the present legal representation of the kingdom. On all this I shall observe, that it will be very unsuitable to your wisdom to adopt the project of a Bill, to which there are objections, insuperable by any thing in the Bill itself, upon the hope that those objections may be removed by subsequent projects; every one of which is full of dif-

ficulties of its own, and which are all of them very essential alterations in the constitution. This seems very irregular and unusual. If any thing should make this a very doubtful measure, what can make it more so than that, in the opinion of its advocates it would aggravate all our old inconveniences in such a manner as to require a total alteration in the constitution of the kingdom? If the remedies are proper in a triennial, they will not be less so in septennial elections; let us try them first; see how the House relishes them; see how they will operate in the nation; and then, having felt your way and prepared against those inconveniences * *

The hon. gentleman sees, that I respect the principle, upon which he goes, as well as his intentions and his abilities. He will believe, that I do not differ from him wantonly, and on trivial grounds. He is very sure, that it was not his embracing one way, which determined me to take the other. I have not, in newspapers, to derogate from his fair fame with the nation, printed the first rude sketch of his Bill with ungenerous and invidious comments. I have not, in conversations industriously circulated about the town, and talked on the benches of this House, attributed his conduct to motives low and unworthy, and as groundless as they are injurious. I do not affect to be frightened with this proposition, as if some hideous spectre had started from hell, which was to be sent back again by every form of exorcism, and every kind of incantation. I invoke no Acheron to overwhelm him in the whirlpools of its muddy gulf. I do not tell the respectable mover and seconder, by a perversion of their sense and expressions, that their proposition halts between the ridiculous and the dangerous. I am not one of those, who start up, three at a time, and fall upon and strike at him with so much eagerness, that our daggers hack one another in his sides. My hon. friend has not brought down a spirited imp of chivalry to win the first achievement and blazon of arms on his milk-white shield in a field listed against him; nor brought out the generous offspring of lions, and said to them—not against that side of the forest, beware of that—here is the prey where you are to fasten your paws; and seasoning his unpractised jaws with blood, tell him—this is the milk, for which you are to thirst hereafter. We furnish at his expence no holiday, nor

suspend hell, that a crafty Ixion may have rest from his wheel; nor give the common adversary, if he be a common adversary, reason to say, I would have put in my word to oppose, but the eagerness of your allies in your social war was such that I could not break in upon you. I hope he sees and feels, and that every member sees and feels along with him, the difference between amicable dissent and civil discord.

The House divided:

Tellers.

YEAS	{ Mr. Alderman Sawbridge	} 90
	{ Mr. Byng - - - - -	
NOES	{ Sir Ralph Payne - - -	} 182
	{ Mr. Robinson - - - -	

So it passed in the negative.

Debate in the Commons on the Exclusion of Strangers from the Gallery.] May 18.

Mr. Hartley complained of the gallery being shut against strangers, and said, the people of England were at this time peculiarly interested in the conduct of their representatives, and that it was neither fair, nor decent, to shut them out, and prevent them from hearing the reasons given both for and against the measures proposed by gentlemen of either side of the House. He argued this point in a very handsome way on the part of the people, and put the impression, which shutting the doors made upon the minds of their constituents, in various points of view, each tending to shew, that the measure was likely to produce a bad effect without doors, without answering one good purpose within.

Sir Richard Sutton defended the Speaker by declaring, that there was a standing order against the admission of strangers, and that any member had a right to move to have it enforced. A member had lately moved to have it read, and that being the case, strangers were necessarily excluded.

Mr. Hartley said, he was not at all obliged to the hon. baronet for his information, because he was as wise before as he was then. He was perfectly aware of the standing order, but as that had been made long since, and was as potent all the session as just at present, he wished to know why strangers were now excluded, and he had hoped the Speaker would have been so kind as to have informed him, as it was from his authority only, that he wished to learn any thing respecting the orders of that House.

The Speaker said, there was a standing order of the House against the admission of any strangers, that an hon. member had lately moved to have that order read, and that being the case, however much inclined he might himself be to the contrary, he was reduced to the necessity of ordering the gallery to be shut.

Mr. Temple Luttrell strenuously maintained the cause of the strangers, and said the world would not be satisfied with such an excuse as the standing order, nor admit that as a reason, because as the order was not enforced before, they would not be inclined to think there could be any greater reason for its being enforced now, and would rather think the true cause for thus taking it up, was a consciousness that the business in which the House then were employed, was of too dark a kind to meet the eye of day. He shewed the bad consequences likely to attend the shutting out of strangers, if the measure was persisted in, observing that their transactions would be misrepresented, and the people grossly misled. He pledged himself, however, in case the order was persisted in, to take care that the public should know what was done within those walls, and said, that if one order of the House was enforced, to the prejudice of their constituents, he would move for the enforcing of another, by which means the Speaker would be obliged to come down to the House at ten in the morning, and the business be infinitely longer in its progress than it was at present. He concluded with asking the Speaker why strangers had been let in all the former part of the session? If it was contrary to order now, it had been equally contrary to order all along.

The Speaker rose a second time, and said, the reason why he had not ordered strangers to be excluded before was, because he had conceived it to be the sense of the House that they should be admitted; that it was his duty to attend to the sense of the House; that they were masters of their own orders, but while they remained upon the book, he was bound to enforce them whenever he was called upon so to do.

Debate on sundry Clauses in Mr. Burke's Establishment Bill.] The House resolved itself into a committee on Mr. Burke's Establishment Bill, and proceeded to debate the clause for abolishing the several offices of master of the buck hounds, fox hounds, and harriers. After

some conversation divided, Ayes 49, Noes 75.—Agreed to the clause enacting, that the places of lieutenant and ensign, and all other inferior offices belonging to the body of the yeomen of the guards, after the determination of the offices respectively in the present possessors; and also, that all commission and other offices belonging to the band of gentlemen pensioners, shall not be sold, but filled by officers of the army and navy on half pay, of fifteen years service.—Divided on the clause, for abolishing the office of paymaster of the pensions, &c. Ayes 64, Noes 79.—Divided on the clause, against the private payment of the pensions paid during pleasure. Ayes 79, Noes 115.—Moved to fill up the clause for limiting the secret service money, with the words “3,000*l*.” The clause was afterwards rejected without a division.—Divided on the clause for regulating the order in which the commissioners of the Treasury are to direct the payments, for which warrants are to be sent by them to the Exchequer, viz. the Lord Chancellor, Lord Keeper, Speaker of the House of Commons, and Judges to be paid first; the Foreign Ministers second, &c. Ayes 58, Noes 110.—Divided on the clause for issuing a commission, authorizing the lords of the Treasury, chief baron of the Exchequer, &c. to have power to call the several accountants before them, &c. in a summary way, and to examine and audit, &c. Ayes 31, Noes 68.—Proceeded to the clause relative to limiting the auditor of the Exchequer's salary, and limiting the salaries of the two auditors of the imprest, the chamberlain, clerk of the pells, clerk of the pipe, and tellers of the Exchequer. But a motion being made at half past eleven, that the chairman do leave the chair, report progress and ask leave to sit again, the motion was put and carried.—In the conversation on the clause for abolishing the place of Paymaster of the Pensions.

Mr. Alderman *Sawbridge* observed, that since the vote of the 6th of April, the influence of the crown had been in a progressive state of increase. On that memorable night, a majority of 233 gentlemen had voted, “that the influence of the crown had increased, was increasing, and ought to be diminished.” Great numbers who composed that majority, had proved the second part of the proposition, in their own persons, in the clearest and most unquestionable manner. They had felt its

influence in its fullest extent, but they disapproved of the conclusion, “that it ought to be diminished;” so far from it, in almost every subsequent vote they gave, they declared, that it ought not to be diminished, and they very consistently refused to diminish it, which was such a phenomenon in politics as required some explanation, and he would, as far as he was able, endeavour to account for it. Some measures were proposed in the course of the ensuing week, and a few country gentlemen, or county members, from what motives he would not pretend to say, seemed, or affected to be staggered; they divided from their friends, or absented themselves. But this was only the fore-runner of the sudden alteration which was about to take place. The Speaker's illness caused a recess of a few days, and what was then before in embryo, in the interim grew into full maturity. The minister brought over persons of a doubtful description so successfully, that by the time the House met again, so many new converts were made, as to ensure the noble lord a decided majority; so that, in the space of a few days, influence had suddenly increased, more than it had at any former period, in the course of as many months; and what the friends of their country had been toiling and labouring to effect, during the preceding part of the session, was at once demolished by the magic touch of the minister, with great ease to himself, and, he presumed, with infinite satisfaction to the persons thus miraculously converted. The moment was critical; the accursed system which directed the affairs of this country to the very brink of ruin, was on the very point of dissolution, when by the art and management of the noble lord, it was established upon a firmer and more permanent basis than ever.

Lord *North* rose with great warmth, and called Mr. *Sawbridge* to order. He said he had most unjustly and falsely accused him; that he might assert what he pleased, but he would treat his assertions with the disregard they merited. He defied him to prove, that he had employed the influence of the crown in an improper manner, or had endeavoured to influence or corrupt a single individual, since his entrance into office. After betraying some symptoms of being much hurt at the charge, he treated the affair in his usual strain of pleasantry. The hon. gentleman said, he was at a loss to account for

the conduct of several of the gentlemen who voted in the majority of the 6th of April. He would help him to a full answer, without resorting to the causes which the hon. gentleman had so unjustly assigned. He believed, as much as the hon. gentleman, that those who composed the majority of the 6th of April, voted agreeably to their consciences, and upon a full conviction of the truth of the proposition that night resolved to be true; but some, upon more mature deliberation, and others from seeing the improper lengths it was meant to extend the effects and consequences of those resolutions, declined to proceed any further; the former had returned to their wonted good sense and confidence in government; the latter refused to proceed further, without knowing whither their partizans intended to lead them. Without, therefore, seeking the cause of their subsequent conduct, in new sources of influence, or as operated upon by corruption, he begged the hon. gentleman to consider, that it was much more likely that men did not think themselves bound to act wrong in every instance, because they had done so in one instance, and that others, who still approved of the vote of the 6th of April, did not perhaps think it necessary to introduce a greater evil, in order to get rid of one which did not seem to them so dangerous to the state in its consequences.

Mr. *Rous* observed, that the noble lord, with his usual dexterity, had evidently evaded the implied charge made against him by the worthy alderman. It was, however, of a very serious nature, and required another kind of answer than that which had been given by the noble lord. Blustering, and flat contradictions, and vociferous calls to order, might answer purposes upon some occasions; he had often known the noble lord to triumph by those means, but not quite so often as when the noble lord had recourse to his *fort* in the science of parliamentary debate, that of turning into ridicule, and treating in a light and ludicrous manner, the most grave, important, and interesting subjects. The burning of a town, the loss of a province or army, did not, in the common and vulgar apprehensions of mankind, furnish a proper subject for a witty speech. The blood of thousands, and the waste of millions, did not, in his opinion, furnish a very apt thesis for humour or epigrammatic points, much less the loss of at least one third of the Bri-

tish empire; yet, though not a very old member, he was of sufficient standing in that House to say, that he heard those several subjects treated in the manner alluded to; but America being at a distance; the fate of the captured army being long since decided; the millions being funded, and the blood spilt, now beyond the power of recovery, no harm could ensue from the noble lord giving a vent to that witty vein which was so natural to him, and which he was known to possess in a very eminent degree. Here the charge was personal to the noble lord, and assumed a different shape; so different, as to forbid, in his opinion, the most exuberant fancy from indulging itself in witty declamation. What did it import? It went to accuse the noble lord of having corrupted members in that House, in order to obtain a majority for the purpose of defeating the petitions of a great majority of the constituent body of the electors of England, and a still greater majority of the people at large. If the charge was not true, why did not the noble lord insist on having the hon. gentleman's words taken down? This, he said, was the regular and parliamentary mode of proceeding; not by rude and indecent contradictions in one part of his speech, and by an attempt at ill-timed ridicule in another, endeavour to evade it by alternately ridiculing what the hon. gentleman had advanced, or giving it a direct unqualified contradiction, without a tittle of proof or circumstance to support it. He knew the charge to be true himself; and the noble lord was conscious, if he had put the proof of it on the hon. gentleman, that he would have made it good. The House might vote as it pleased; but the people must see, under the circumstances described, the real means which the noble lord had employed to procure a majority subsequent to the vote of the 6th of April.

Mr. *Sawbridge* maintained, in most direct and unqualified terms, his former assertion. He was satisfied that the noble lord had, during the Speaker's illness, influenced or corrupted several of the majority of the 6th of April; and more than that, he was convinced that he had tampered with many. If the noble lord was prepared to meet the charge, he dared him to take down his words; for if he did, though perhaps it might be difficult to prove the actual corruption, he was ready and fully prepared to go into the actual proofs of the tampering, or of offers having

been held out to influence some of the members of that House to vote against their former opinions, their perfect conviction, and the interests of their country.

Lord *North* said, he defied his accusers to make any such charge good against him; and if the hon. gentleman was so well informed on the subject, as he pretended to be, it was his business, as the accuser, to bring the charge forward; for as the hon. gentleman had avoided any specification, it was impossible for him to enter into a defence of his conduct till he knew the nature or circumstances on which the accusation was founded.

Mr. *Burke* having declared his intention of not dividing the House upon any of the future clauses in his Bill, proceeded to press 42, insisting only to have the clauses read, and negatived, so that he might get rid of his Bill, that it should be neither an eyesore to his adversaries, nor call for the tiresome and useless attendance of his friends.

One half of the members immediately quitted the House on this notice. The clause for allowing a certain sum only as a salary to the auditor of the receipt of the exchequer, the two auditors of the imprest, the chamberlain, clerk of the pells, clerk of the pipe, and the four tellers, in lieu of all salaries, perquisites, fees, and other emoluments, after the death of the persons who now enjoyed those offices respectively, were then read.

Lord *North* said, he did not approve of the clause as it stood now worded, but he liked the idea extremely well; he should therefore wish to have this clause postponed, and the chairman to report progress, and ask leave to sit again.

Mr. *Burke* said, his patience and spirits were both exhausted; and begged the favour of the noble lord to be so kind and merciful, as to put an end to his sufferings, and negative this, as well as he had the four preceding clauses. His plan, if adopted upon the large scale on which he laid it down, would have saved to the nation above a million per annum, and it was hardly worth his lordship's while to torture him still further, by keeping him under the pressure of this unfortunate clause, for the trifling saving which would arise from it.

Lord *North* observed, that it was then within a quarter of eleven; that the gentlemen who had sat out the whole evening were much fatigued with the multifarious

business that had been brought before them; that the clause required some attention; and that as he and the hon. gentleman agreed in the principle, they might readily determine on the wording of the clause between themselves, out of the House. He added, that it could make but a difference of one day.

The friends to the Bill said, that the noble lord was as well prepared now as he would be the next day. Why not alter the clause according to his own liking? for he might be assured, frame it as he might think proper, that side of the House would make no opposition.

Lord *North* replied, that he had not, nor could then make up his mind upon the manner he would wish to have the clause altered, and if gentlemen were determined, he would regularly move, that the chairman do report progress, and desire leave to sit again.

The other side insisting that the clause should be disposed of, the question was put, and the committee divided: Ayes 68, Noes 31, to report progress.

Debate on Mr. Adair's Motion respecting the Petitions of the People.] May 19. Mr. *Adair* (Recorder of London) made his promised motion relative to giving satisfaction to the people respecting the grievances set forth in the petitions. The point on which his motion turned was, that the Malt Bill being now the only tax Bill which had not passed the House, and the principal money Bill of the session, that House would have no further controul over ministers as soon as it should pass that House; they might advise his Majesty to prorogue or dissolve the parliament, and by that means stigmatize the majority of that House as infamous to the latest posterity. A majority of that House had voted, that the influence of the crown had increased, was increasing, and ought to be diminished. They had done more; they had specifically resolved, that it was the duty of that House to redress the grievances complained of in the petitions of the counties, cities, and boroughs of this kingdom, and had, by acknowledging that it was their duty, bound themselves thereby to the people, and to each other, to give the petitioners relief. But though they had hitherto neglected to perform that solemn engagement to the public, they had it still in their power; but wait, perhaps, but for a few hours longer, and that power would be divested

out of them for ever. A dissolution was agreed upon, on all hands, not to be very far distant; consequently, the present parliament would shortly be no more. He begged leave to explain particularly what he meant. The Bill which was to be read the next order, was the Malt Bill; that once passed, that House would lose all controul over ministers. The only measure which passed that House towards lessening the influence of the crown, was the Contractors' Bill. What was the fate of it? The principle on which that Bill proceeded, was denied by the Lords, who gave the most unequivocal proof of the reality of the influence, which they denied to exist. They put a negative on it, by which means the wishes of the majority of that House, and the people without doors, were frustrated. The only means then the House had left, was not to refuse, but to suspend the supplies, till some one grand effectual measure was carried through both Houses, and passed into a law. It was the only constitutional mode, and had been frequently resorted to when the other House, under the influence and direction of the ministers of the crown, had denied the people redress. He entered fully into the question, proved the indispensable necessity there was of taking some effectual step for the relief of the people, and concluded by moving, "That it is the opinion of this House, that no new burthen ought to be laid upon the people, until some effectual measures shall have been taken to diminish the increased and increasing influence of the crown, and to provide a redress of the abuses complained of in the petitions from the different counties, cities, and towns, in this kingdom."

Lord North rose to reply, but the question being called for, the House divided:

Tellers.

YEAS	{ Mr. Recorder of London	} 54
	{ Mr. Hartley - - - -	
NOES	{ Mr. Salusbury Brereton	} 89
	{ Mr. Robinson - - - -	

So it passed in the negative. The Malt Bill was afterwards passed.

Debate on the Members' Qualification Bill.] May 23. On the motion for going into a Committee on the Bill, "to explain and amend the several Acts for securing the freedom of parliament, by farther extending the Qualification for Members to sit in the House of Commons, and for rendering the same more effectual,"

§

Mr. James Luttrell observed, that an Act founded on principles derogatory to the freedom of the people's choice of representatives, could not pretend to promote the freedom of parliament; that if property alone made friends to the liberties or purse of the subject, the House of Lords was more free than the Commons; but it proved the experiment to be absurd; for no man could dispute the enormous influence of the crown in that aristocratic assembly. The Act of Geo. 2, relative to qualifications, was carried by surprise at the latter end of a session to court the landed interest, and its inefficacy had been the only reason he could trace why such an Act had been suffered to exist. It was unconstitutional, because if the House of Commons could at their pleasure raise qualifications to hold seats, they might either totally abolish parliaments by requiring the 558 members to have 15,000*l.* a year a piece, or at least raise it, so as to confine the people to a choice of representatives amongst a few of the most opulent families in the kingdom, which would amount to an aristocracy. The question therefore appeared to him, whether we should render more effectual an Act of parliament which ought to be repealed.— Those who thought that evading that Act had produced ill consequences, should bring some proof of the fact. It should be proved that the great majorities of parliament which had plunged this country into a war with America, and suffered the waste of so much public treasure, were a majority composed of men, who, evading the Act of queen Anne and George the 2nd, had come into parliament in needy circumstances, and that their indigence had occasioned them to vote an American war derogatory to their conscience, and that the minister had been followed merely to gain a livelihood. It should be proved, that at the same time all the Lords' eldest sons, the members for the universities, all the Scotch members, all members of high rank and landed property in parliament, had virtuously endeavoured to oppose all these ruinous measures, and proudly, with their independent fortunes, spurned at the influence of the crown, and shewn themselves above temptation. If that could be proved (the very reverse of which must stare every man in the face) then the hon. member's Bill might boast of a reformation of the House; then he might say, make the next parliament men of landed property, and the liberties and

purse of the subject will be better secured; then he might lay the cause of all the grievances complained of by the people of England upon members of that House, who he presumes to have evaded the Act he means to render more effectual. But the fact was proved over and over again, that the influence of the crown had been, and ever would be, more powerful among courtiers and men of the first rank and fortune, than with those who were nearer the interests of the people at large.—If the principle of the Bill was approved by any, it was upon a doctrine over and over again exploded in parliament, that the landed interest was the only constitutional mode of representation. It had been admitted by all parties, that officers were fit representatives of the people; that their professional information was of use; that they should in a free country hold themselves to be citizens and servants of the state, not vassals of the crown. It had likewise been admitted, that monied men, who pay to every tax, were proper judges of taxation, and it must be admitted that the house tax, and all the tax which monied men pay, took off a burthen from the landed property, as it assisted to raise the supplies of the war. It had been admitted, that gentlemen who come from the East and West Indies, dependencies of Great Britain, to spend their income in England, had as great a stake in the success of our wars, in the existence of our liberties, and in the taxes his fortune must largely contribute to, as any gentleman of 300*l.* a year landed estate. It must be admitted, that money was as necessary to raise supplies as land; that without a market the produce of the soil would not enrich the landlord, and that we cannot subscribe to the loan in kind. The Bill was therefore ill-founded if it rested on a principle that the landed interest would compose the most proper, the most wise and well-informed parliament, or that an independence of 300*l.* a year in land, would prevent them from looking up to titles, ribbons, high offices, or even places and pensions. He thought it a much sounder principle to lay down, that a free parliament can alone exist by a free choice in the people to chuse men for their abilities, integrity, love of liberty and useful knowledge, to conduct their business, and support their rights in parliament. It had been urged that it would prevent sham qualifications; but it was not adequate to that purpose: for the qualifications for Scotland were to remain at a third less than a qualification for England: and since

Scotch members tax English subjects, why were they not to be equally qualified? Theirs would therefore be, in the spirit and sense of our laws, a sham qualification. The House of Lords contained some peers without estates, and yet their eldest sons were to be eligible to sit in the House of Commons; and that was a sham qualification. The Bill therefore was undoubtedly a partial prosecution of professional men, annuitants upon landed security, monied men, and persons who reside in this country, and spend the whole income of their estates, situated in parts of the British empire though not in England. The Bill was indeed favourable to Westminster-hall: for it laid a foundation for litigious law-suits (there being no fine for a false accusation) and Westminster-hall was to vacate seats in the House of Commons, if the member's qualification was not to the jury's liking. The Bill had another very extraordinary effect, because those who supported it had earnestly opposed a proposition made relative to the Chiltern Hundreds, to enable members to vacate their own seats: and this qualification Bill puts it in the power of any member to vacate his seat, by disposing of 5*l.* a year out of his registered qualification, and enables him to be chosen for any other place, by re-purchasing the same 5*l.* a year. Though an annuity of 300*l.* a year upon landed security was a qualification, the Bill attempted to make it liable to very expensive law suits; a man out of parliament was not obliged to produce all the writings of his estate, because he had sold an annuity, and it certainly might lead a man into difficulties in other law-suits, to produce all the settlements under which he claims his estate. The Bill affected the virtue of reformation, while it was striking at the root of the constitution. The grievances of the people did not arise out of an evasion of the Act of queen Anne, and if they have not petitioned to limit more effectually their choice of representatives, Mr. Grenville's Bill was the fairest mode of trying the legality of a member's seat in parliament, and Westminster-hall ought not to interfere. The House of Lords and Commons would become equally aristocratical if this Bill passed; for if the principle of the Bill is once admitted, it is easy to add to qualifications, and only admit lords' eldest sons, and a few great families, to be eligible to sit in parliament. He therefore trusted that it would be rejected.

The House divided: Yeas 89; Noes 28.

Governor Pownall's Bill to enable his Majesty to make Peace with America.] May 24. Governor *Pownall* moved for leave to bring in a Bill to empower his Majesty to make peace, truce, or convention with America. He said that there were at this time two factions in America, the one a French, the other an English faction, and that as the English faction predominated, he flattered himself a proper conduct on our part might lead to a speedy and happy conciliation.

Mr. *Eden* objected wholly to the idea of making any proposition for peace, as there was every reason to expect that America would soon be glad to come to us with such overtures as we might accept of with honour to ourselves.

Earl *Nugent* spoke in favour of the Bill, and said it was highly proper the King should have it in his power to make peace with America; for when they once knew his Majesty had that power, there was little doubt of their coming to us with terms, and such as we might close with. For his part, he believed in his soul and conscience, that had the King been empowered to have made peace with the Americans at the time they entered into a treaty with France, the war would have been at this time very happily ended.

The House divided: For the question 52; Against it 113.

The following is a copy of the Bill:

"In order to remove all doubts or disabilities, which may prevent, obstruct or delay the happy work of peace, may it please your Majesty, that it may be declared and enacted, and it is hereby declared and enacted by, &c. &c. That his Majesty is empowered to make convention or truce, or to conclude a peace with the inhabitants of New-Hampshire, Massachusetts's Bay, Rhode Island, and Providence Plantation, Connecticut, New York, New Jersey, Pennsylvania, the three Delaware counties, Maryland, Virginia, North Carolina, and South Carolina, in North America, convened in congress, or in any other assembly or assemblies, or with any person or persons authorized to act for and in behalf of the same, in such form and manner as he, by virtue of the prerogative of his crown, hath power to do in all other cases, and on such terms and conditions as in the course of events shall become convenient and necessary for the honour and welfare of his Majesty and his people.

"And in order thereto, be it enacted, by the authority aforesaid, that from and after the passing of this act, it shall and may be lawful for his Majesty to appoint such person or persons (subjects of Great Britain) as his Majesty in his wisdom shall think fit, and fully to authorize and empower the same to treat, consult, and agree with the said Americans, or any part of them, or with any person or persons acting for and in their behalf, to the said purpose of convention, truce, or peace.

"And be it further enacted, that from and after the passing of this act, it shall and may be lawful for his Majesty to grant safe conduct to any such person or persons whatsoever, as his Majesty shall see cause and judge proper to receive on the ground of treaty for such convention, truce, or peace, in like manner as he is by divers ancient statutes empowered to do in the cases therein specified."

Mr. Dunning's Motion for reporting the Resolutions of the 10th of April.] May 26. The House went into a committee on the further consideration of the public petitions.

Mr. *Dunning* rose, and desired that the resolutions come to by the committee of the whole House on the petitions, on the 10th of April, be read. They were read accordingly. Mr. *Dunning* then enforced the necessity of reporting these resolutions, and concluded with a motion to that purpose, at the same time reminding such members as had originally voted for those resolutions, that they stood pledged to vote for his present motion. This gave rise to a warm debate, in which Mr. *Turner*, Mr. *Fox*, Mr. *Rigby*, Mr. *Byng*, lord *North*, and others spoke. At length the House divided on the question for the chairman's leaving the chair; Ayes 177; Noes 134. Mr. *Fox* was warm, in treating those county members with great severity, who had made a part of the 233 on the 6th of April, and voted with ministry since. Mr. *Rigby* again called opposition a rope of sand. Mr. *Turner* said, he did not at all wonder at the right hon. gentleman's approving placemen; that fellow-feeling made a man wonderful kind. Mr. *Turner* ascribed the American war entirely to placemen. The Lord Advocate moved to adjourn to the 30th, which at 12 o'clock was agreed to.

Lord *George Gordon* gave notice to the House, that on the 2nd of June, he should have the honour of presenting to their

consideration the Petition of the Protestant Association of London, Westminster, and Southwark, praying the repeal of the late Act in favour of Popery in England. He acquainted the House, that the whole Association proposed to assemble in St. George's-fields, and to accompany their petition to the House in the most humble, decent, and respectful manner. His lordship then presented a Petition from his Majesty's loyal Protestant subjects of High Wycomb, for the repeal of the same Popish Bill. It was ordered to lie on the table.

The King's Message for a Vote of Credit.] June 1. Lord North brought the following Message from the King:

"G. R.

"His Majesty, relying on the experienced zeal and affection of his faithful Commons, and considering that in this critical conjuncture, emergencies may arise which may be of the utmost importance, and be attended with the most dangerous consequences, if proper means should be not immediately applied to prevent or defeat them, is desirous that this House will enable him to defray any expences incurred, or to be incurred on account of military or ordnance services for the service of the year 1780, and to take all such measures as the exigency of affairs may require."

Lord North moved, that the message be referred to a committee of the whole House.

Lord George Gordon declared, that he could not but oppose in every stage any new grant of supplies to the King, till his Majesty and his servants gave complete redress to the grievances of the people, both as to the late innovations in favour of Popery, as well as to the shameful abuses complained of in the expenditure of public money.

The House divided without further debate. Ayes 39; Noes 19.

The Earl of Shelburne's Motion respecting the Armed Neutrality.] June 1. The order of the day being read,

The Earl of Shelburne rose, and previously stated the doctrine of a noble lord then absent from his place (the lord chancellor) on account of illness, that every lord who moved for papers, besides explaining his immediate motives for moving for them, was bound to inform the House of the ultimate object he proposed to

obtain. In conformity to this established rule of proceeding laid down by that high authority, he would very fairly point to the object he had in view. The papers he meant to call for, he assured their lordships, would be totally free from one objection, which had been deemed an incurable one for several years past; they would convey no improper intelligence to our enemies; they would reveal no secrets of state; they would give no offence to our friends, nor cause of alarm to our enemies. The papers he sought were already known to all Europe; they had appeared in all the foreign Gazettes; they were translated and had already been inserted in our own common news-papers. His motion, so far, was free from the least shadow of any objection. It was, however, in their lordships' power to bring them forward in another light, and render them the fit subject of parliamentary attention: for until they were authenticated to the House in the usual form, no parliamentary proceeding could be had upon them. This, he presumed, was but a matter of mere form; and if their lordships should think, with him, that the subject was a proper one for discussion, they would vote for the production of the papers; if not, they would of course give his intended motion a negative.

In respect of the other part of the rule laid down by the learned lord now absent, he would, though contrary to the usual mode of conducting business in that House, comply with it; he would tell their lordships, very candidly and explicitly, what his motion pointed to. It was meant to lead to a vote of censure upon administration, and a specific vote, by way of an Address to the crown, for the removal of the first lord of the Admiralty from his present high office, and from a seat in his Majesty's councils.

Having fully explained his intentions, and his objects, his lordship proceeded to state the subject matter of his ground of enquiry and accusation. The first, he said was merely introductory; the latter by way of censure. If he should be so fortunate as to carry the present motion for papers, he was determined to follow it up with a vote of censure, and a vote of removal, such as he had described, unless administration in one event, or the noble earl at the head of the Admiralty in the other, should be able to shew, that they had acted in a manner merely dictated by necessity, or arising from circumstances

which it was not in their power to prevent. Two objects were specially deserving of their lordships' attention; they were, it was true, distinct in themselves, though they were productive of but one effect. He meant the total neglect on the part of ministers, to procure alliances on the continent of Europe, and the disobliging the few friends we had. It was difficult to separate them in some respects; but as far as the observation applied to the motion which he held in his hand he would first state the recent transactions which, he presumed, were the cause of driving us into the melancholy dilemma in which we now stood.

His motion, he said, was meant to include copies or extracts of all memorials or representations, delivered or received by his Majesty's ministers, relative to the claims of the several powers of Europe to a free navigation and commerce with our enemies: the instructions given to commodore Fielding, previous to his sailing to intercept admiral Byland; lord Stormont's declaration to count Welderen, the Dutch minister; his Majesty's declaration in the London Gazette, of the 18th of April, declaring his intentions of seizing military stores in neutral bottoms, &c. The empress of Russia's resolution of combining and confederating with all the neutral powers of Europe, and her intentions therein expressed of forming, in concert with them, a code of maritime laws, intended to protect the goods and merchandize of the contracting or confederating parties, should likewise be laid before the House. His lordship then commented upon several passages of those papers which he held in his hand, and read, he said, lest he should misquote them, if he had trusted merely to memory.

One part of the Russian declaration, he would call it a manifesto, had a very remarkable expression indeed in it; it said, "that the Baltic was excluded by nature from the intrusion of all the powers of Europe, but such as had dominions situated upon it." What was this but fairly telling England, that every state on the face of the globe, which shall think proper to trade to the Baltic, will be protected in their property against the attacks or ravages of Great Britain, by us and the other two neighbouring powers, Sweden and Denmark, whom we have now called upon to combine with us, for the navigation of the Baltic? It is true there was a sweetener, which accompanied this decla-

ration, namely, the restoration of a British ship which had been captured by an American privateer; but how dull and senseless, or wilfully blind, ministers must have been, not to perceive that the very act of kindness established the principle of exclusion! What was it but to say, We have returned you a British ship, taken by an American privateer; but attend to the conclusion; if any of your ships of war, or armed vessels, should capture an American vessel within the limits we have thought fit to prescribe, be assured, the rule we have laid down is meant to be a general one, of which America shall be free to profit, as well as Great Britain. The fact in itself was alarming, but its consequences were, indeed, much more so, for it went to an implied acknowledgment of the independency of America. It stated no exception relative to rebels or subjects in arms; it avoided particulars, and only mentioned one, which was to confirm the general doctrine, that the Baltic and northern seas were free to all nations; and that the powers who laid an exclusive claim to the dominion of them, were determined, without any exception whatever, to maintain the freedom of their navigation. Another more alarming passage appeared in the Russian manifesto, "Free bottoms make free goods." Was not this declaration fairly telling the court of Great Britain, We will sell to neutral carriers; we will carry ourselves, and we will protect each other, in supplying the belligerent powers with every thing they may want, such as carrying their own native commodities and merchandize to and from their several ports and harbours in the West Indies, &c. But this language imported still more, and amounted to an invitation to all the neutral powers in Europe to accede to the contents, and to meet, in order to devise the necessary measures for the composing a code of maritime law, founded upon the basis "of free ships, free goods," unless contrary to the conditions of subsisting treaties. This was at once destroying the law of nations, as it had remained for many centuries; but that was not all; it must terminate in the ruin of Britain, at least in the overthrow of her naval power; for the great advantage Britain possessed was, that she had heretofore enjoyed the advantage of an exclusive trade to her American colonies, which supplied great quantities of naval stores. On the breaking out of a war, Britain, be-

sides having a supply from America, had the common European market to resort to, namely, Russia and the other northern powers; and being generally superior at sea, she had not only the opportunity of supplying her own demand, but likewise the power of cutting off, in a great measure, the necessary supply from France and Spain; so that our superiority at sea was owing more to that circumstance, than either to the numbers of our seamen, the great extent of our commerce, or even the skill and bravery of our officers and men. The code of maritime law, which, for aught he knew, was already agreed upon, taking away the great advantage which we had over every other nation now in Europe; evidently puts us on a level with our enemies in point of supply, but much below them in the inevitable effects; for if France and Spain could have naval and military stores in any quantities they wanted; if they could transport their property to and from the western world, in free, because neutral bottoms, it was to the last degree ridiculous to say, or believe, that Great Britain could possibly be able to cope with the united force of the House of Bourbon. Being thus deprived of the advantages which had given us the superiority, during the three last wars, over the House of Bourbon, the foundation taken away, the superstructure erected upon that basis must fall to pieces, and then, farewell for ever to the naval power and glory of Great Britain!

His lordship next proceeded to state the particular predicament this country stood in respecting Holland. He observed, that soon after the breaking out of the American war, we had, by a most bullying and oppressive conduct, irritated the Dutch, and filled them with resentments, which he believed would not be shortly eradicated. We treated them more like the wretched dependants, or the subjects of petty Italian republics, than a state which filled so respectable a niche in the grand European system. There were then two principal treaties existing; one of which permitted the Dutch to trade with our foreign enemies in time of war or actual hostilities; the other obliged them to assist us in the event of being attacked in Europe. On the breaking out of the troubles in America, we were not at war with any foreign power, either in Europe or elsewhere; consequently, there could be no requisition made to the States Generals for troops or ships; yet what

was the conduct of the court of Great Britain? She gave orders to seize all naval stores in Dutch bottoms, and broke the treaty of 1674 without colour or pretence. When hostilities commenced with France, which by the bye, we, not they, commenced, by the taking of the *Pallas* and *Licorne* frigates, the same orders were renewed; the treaty of 1674 was daily violated, and scarcely a week passed which did not bring an account of some ship, belonging to Holland, having been captured and brought into our ports. Thus was the treaty of 1674 broke through, without a pretence of the treaty of 1716 being evaded; and even the violent and rash measure of the 3d of January last, was not preceded by the requisition made for the troops and ships finally determined upon by Holland. Besides, the tenor of the treaty did not bind Holland, but upon two contingencies, first, that our enemies were not the aggressors, which, in fact, they were not; secondly, that we were attacked in Europe, which no man, he presumed, would assert. But be that as it might, it was clear that it was we, who had first violated the treaty with Holland, and afterwards, that we attacked the Dutch in an hostile manner, before we could possibly know whether they would have fulfilled the other treaty for the supply of the men and ships. That business was at the time in a train of negotiation. Every person in the least conversant in the constitution of the United Provinces, well knew, that their deliberations were necessarily slow, when every province was vested with a negative, and every town and district, almost in each province, with a negative likewise in their provincial assemblies; consequently it was impossible, from the nature of the government, to come to an immediate decision, as in other countries, when the whole of the executive power was lodged in a single hand.

He was ready to acknowledge that the Dutch were a people much attached to their own interests; that their power and riches solely originated from commerce; that being the great carriers of Europe, they had every temptation to insist upon the rigid observance of the treaty of 1674, and to evade that for furnishing a supply of troops and ships to Great Britain, for fear of involving themselves in a war with France; but those very powerful motives should have suggested to the cabinet of Great Britain, the idea of a proper management, suitable to the difficulty and

delicacy of the occasion, and which prudence would have endeavoured to provide against. They ought to have administered every preventive in their power. It might have been an arduous task; but to what use were ministers paid and employed? Where was the supposed wisdom, management, and address of men in office, if they did not devise means to qualify, to defeat, or soften, what it might not be in their power entirely to remove? On the contrary, what was the conduct of the British cabinet? They oppressed those whom they ought to have treated with a most delicate and cautious hand; they irritated and insulted those whom they should have soothed and managed; and created the most indignant and fixed resentments in the breasts of those whom they should, with persuasiveness, drawn from arguments of common interest, former and present friendships, and future safety, have assuaged. It was true that Holland was infected with party, as well as England. There was a strong French faction there, who were further strengthened by those who had no other object but the present to gain. On the other hand, he would ask ministers, if England had not many weighty and powerful friends there? Most certainly; no man would deny it. Might not, then, a proper address effect a great deal? Might not the favourable dispositions be improved? Might not means be found even to gratify the views, in some measure, of the interested and avaricious, and even the violent be pacified? What could not be openly effected, might it not be brought about by other means? Not by bribery, for he understood that art had not been left un-essayed. Ministers had, he believed, tried those means already, but to very little effect. Experience taught them to try the means, which had so successfully answered their fullest expectations here at home; but though the governing object in commercial states was gain; though the Hollanders preferred money to almost every other consideration, they chose their method of obtaining it; they were not yet come to the last and grossest stage of human corruption, that of receiving round bribes for their popular suffrages. Money, he understood, had been distributed, but he believed, and was persuaded, it had been thrown away. It might influence other nations to do any thing; but unless with a few prostitute wretches, who were the growth of every country, he was well

informed that this ministerial mode of negotiation had failed. The noble viscount (Stormont) may shrug up his shoulders, but I know it to be a fact, that attempts have been made to bribe the Hollanders with money; and I will tell the noble viscount what perhaps he is ignorant of, that notwithstanding the great expectations he may have formed from the negotiations at Rotterdam, and elsewhere, among the merchants, his negotiations (I presume his lordship is no stranger to what I mean) will most assuredly miscarry; and that he and all his colleagues in office will find themselves, at long run, as fatally disappointed in this money negotiation, as they have been more than once in their attempts to bring over the leaders in America.

His lordship lamented that we had not a single ally in Europe; nay more, that we had not a single friend or well-wisher. He should not be surprised to hear the noble viscount in high office rise and explain away the whole of the Russian declaration, and endeavour to represent it as a scene of nothing but management between the courts of London and Petersburg; but he would anticipate what the noble lord might say on that head, by resorting to a few facts, not of a doubtful nature, or liable to be controverted, but of the most acknowledged notoriety. He held, he said, the proofs in his hand; he would state them, and he defied any noble lord in office to contradict a syllable of their contents. They were contained in the papers included in his intended motion. There were but two lights in which the Russian manifesto could be properly considered; the first with respect to the belligerent powers, the latter with respect to the neutral. How did the neutral powers receive the Russian declaration? Holland acceded to it; Sweden and Denmark, he was persuaded, had done the same before now; and Portugal would probably be compelled to follow the example, how much soever she might be disinclined, as having little or no interest in it. She was no carrier; her products were no object on either hand. She could dispose of her commodities, and receive those of other nations, without risk or danger. If this state of the question was not fairly laid down, he begged some minister would rise and assure their lordships, if some satisfaction was not given by Great Britain to the neutral powers of Europe, in which her claim of stopping and seizing the goods of neutrals was not relinquished;

whether it was not meant to assemble a congress at the Hague, or some other town in Holland, to be composed of delegates from the several neutral powers in Europe, in order to frame a code of maritime law, which should be binding upon the belligerent powers, both at present and in future.

On the other hand, what was the conduct of the belligerent powers? France immediately, on the receipt of the Russian declaration, expressed her fullest approbation; and, as a proof of its justice and policy, not only took off immediately the additional duties laid upon the commodities of such of the United Provinces as had refused to come into her views, but actually issued orders for the restitution of such of the additional duties as had been collected upon the product, manufactures, and commerce of those other provinces which appeared less friendly to her views. The court of Madrid followed the same example, and ordered restitution to the Dutch owners; while England gave up the point only so far as Russia itself was concerned, which was directly cementing the other neutral powers, driving them into the views of the court of Petersburg, and by that means rendering her the empire of the naval and commercial system of Europe. But, from the fact to proceed to the conclusion, was it not fair to presume that Great Britain was now driven to the necessity of going to war with the rest of Europe, or of submitting to the law contained in this new maritime code? He knew of but one possible way of extricating us from the difficulties we were engaged in, and the danger with which we were threatened, though he could not promise that it would prove successful; that was by immediately going back to the treaty of 1674, by leaving Holland at liberty to act at her discretion; by giving in one instance, and taking in another; pointing out fairly, distinctly, and explicitly, the danger of permitting France to erect a naval power on the ruin of that of Britain; and reminding the Hollanders of the danger of their situation, if so formidable and ambitious an enemy should, to her great land power, make an acquisition of the dominion of the sea.

He confessed our situation presented nothing but a choice of difficulties; that it was a measure of humiliation, considering the lengths we had, through the absurdity, obstinacy, and imbecility of our ministers, been led into. It was their

lordships' duty to know how we had been led into this fatal situation, as well as to know what every man must acknowledge, that we were in it; and he thought it the duty of their lordships to be acquainted with the names of those pernicious counsellors, who had rashly, madly, and foolishly advised his Majesty to take so impolitic, precipitate, and, he feared, so fatal a step, in order that they might be held up to future ages, as a monument to succeeding ministers, how they risked the interests of the country, nay its very existence as a nation, to such wild, impracticable, and destructive experiments.

He then contrasted the conduct of former administrations with the present, in respect of alliances; and pointed out several favourable opportunities, which had presented themselves in the space of the last nine or ten years. He stated the favourable disposition of the court of Versailles, in the affair of the Spanish rupture, respecting Falkland's island, at the close of the year 1770, when, if the French king had not personally interfered, a war would have been inevitable. He said, though this country did not acknowledge many obligations to Louis 15, England was, at the period alluded to, much indebted to him. His minister pressed him on the occasion, but the monarch, averse to war, and well inclined towards Great Britain, parted with that minister, and introduced a pacific system, by calling M. D'Aiguillon to the head of his councils. This disposition might have been further improved and strengthened, and a full and permanent amity established, probably between both countries. Another favourable opening soon after offered in the case of the dispute between Russia and the Porte. Upon that occasion, it was true, the court of London did interfere, but procured no benefit thereby to herself. She preserved the balance of maritime power; she prevented the Russian squadron from being destroyed; she gave every friendly assistance she could, without taking an open and decisive part; and made no terms whatever, nor provision for the day of possible distress. Again, upon the partition of Poland, she might have easily turned the scale against the king of Prussia, by entering into a treaty with the emperor; or if the partition was not thought to be proper, in respect of Russia and Austria, who had no claim, though Prussia had some title to the territories he claimed; Great Britain might have joined

with the latter, and prevented the partition, by securing to the king of Prussia his exclusive claims. And lastly, when the court of Vienna laid in her claims to part of the succession of the late elector of Bavaria, Britain, as in all the foregoing instances, might have interfered, and put a negative upon the pretensions of the king of Prussia, and thereby secured the friendship of the present emperor. He would add another circumstance, which exhibited our minister, in the strongest light, to be weak, inattentive, and incapable, which was, that though it was we that had enabled Russia to make peace with the Porte, it was France negotiated the truce, and finally fixed and determined the terms of ultimate pacification. This was, he believed, an instance never known in the history of negotiation. France meditated the destruction of the Russian fleet in the Mediterranean, and would have accomplished it, but for the interference of Great Britain; yet when peace came to be made between the empress and the Porte, it was France, the enemy of Russia, that was the negociator, and not Great Britain, her steady friend in the time of need.

His lordship then took a short view of the conduct of ministers in the present American war. America would not resist, said ministers: she did resist. Her resistance would be confined to a few; it proved almost universal. France would not interfere; she gave the fullest assurances of her pacific and friendly dispositions: she did interfere. Spain professed dispositions of a similar nature, but she soon followed the example of France; and now he should hear, he supposed, of the good intentions of the court of Petersburg; but in this instance he was not under the necessity of hazarding prophecy or prediction, for the conduct of Russia had saved him the trouble. She was allied, not directly for our destruction, in an open and hostile manner, but she was allied to effect what must bring it about full as effectually: she had put herself at the head of a confederacy, which would, if not prevented in some way or other, terminate in our ruin; and whatever might be the event of their lordships' discussion of this important question, he thought it was well worthy of their most serious consideration.

He appealed to the noble lords, if there was one among them, the most friendly, and well inclined towards ministers, the

most willing to support them, who would lay his hand on his heart and declare, that he expected any thing but progressive stages of national ruin, so long as the present ministers continued in office? He was sure there was not; but some of their lordships might think themselves bound to support the administration of those whose conduct they had never publicly disapproved. There were some, however, of another description, who did not, he presumed, look upon themselves so fettered; some, who, while they sat in council with ministers, had publicly avowed, that no man of honour or conscience could be present at the scenes which they were witness to in his Majesty's confidential councils. [Alluding to lord Gower's words early in the session; see Vol. 20, p. 1176.] He had a right to presume, that such men would not continue to support measures out of the cabinet, which no man of honour and conscience could bear to be present at in cabinet; otherwise, it would be indeed a most extraordinary stretch of political logic, to support measures and ministers, in parliament, which measures and transactions no man of honour or conscience could submit to be present at in cabinet.

His lordship went into a great number of miscellaneous observations, of less consequence; taking notice that the folly and meanness of ministers could only be equalled by their obstinacy and temerity; that we had opened the eyes, and enlightened the understandings of the German boor, the dull Hollander, and barbarous Russ; we had become the contempt and standing jest of all Europe; and, from a great, glorious, and happy people, who had borne our arms triumphant to every quarter of the globe, were fallen to a degree of insignificance and humiliation, which was sufficient to claim the pity and commiseration of our envenomed and implacable enemies. His lordship then made the following motion: "That an humble Address be presented to his Majesty, beseeching his Majesty, that he will be graciously pleased to order, that there be laid before that House a copy of his Majesty's Declaration, published in the London Gazette on Tuesday the 18th of April last, suspending provisionally all the particular stipulations respecting the freedom of navigation and commerce with his Majesty's enemies in the time of war, with the answers given thereto; as also all copies or extracts of all correspondence with

his Majesty's ministers, so far as relate to the same subjects, or to any steps taken, or engagements entered into, between the said neutral powers in Europe, from the 1st of May, 1779, to the present."

Lord *Stormont* rose, and after a few prefatory apologies, said he looked upon it to be his duty to go somewhat into detail, because he found it necessary to speak as well to matters of fact as argument. He was fully aware of his own inability to contend with so powerful an adversary as the noble earl, were the powers of mere oratory to prevail; but, he was not without some confidence that his public attempts, when strongly supported by truth, as they would be, could not fail of making the impression he desired. His inferiority in point of declamation, would weigh nothing in their lordships' judgment; and he made no doubt, but their lordships would think that the feebleness of the advocate would be most amply made up by the goodness of the cause. Though he meant to go somewhat into length, it was not his intention to give a specific answer, or pay a minute attention to every assertion made, or insinuation thrown out by the noble lord. It would on many accounts be imprudent, if not highly improper; and on others, little more than taking up their lordships' time to very little purpose.

Under those reservations, he thought it his duty to pay particular attention to several things which had fallen from the noble lord, in the course of his speech. Such as he should forbear to enter more fully into the consideration of, he assured their lordships, would relate only to points in agitation, between us and foreign powers, and not finally determined upon. If, therefore, their lordships should imagine, that he had touched upon some points lightly, and with an apparent degree of reserve, he begged leave to assure them, that such reserve flowed merely from motives of a very different nature from those, he presumed, the noble lord who made the motion, and his friends might be ready to impute. That assembly was a popular assembly. Every thing which passed within those walls, soon made its way into the world, and was speedily transmitted to foreign countries. He had often before observed, and he would again repeat, that this circumstance was the source of much mischief. He had fatal experience of it when he had the honour of serving his sovereign, in the capacity of an ambassa-

dor at a foreign court. He could with truth assure their lordships, that these accounts frequently produced the most untoward circumstances, and created difficulties scarcely to be imagined, or believed, by any but those, whose situation gave them an opportunity of being acquainted with them.

He was ready to subscribe to an observation the noble earl had repeatedly endeavoured to impress upon their lordships' minds; that the present was a critical, a trying, and a difficult moment. He would go further with his lordship, and add, that it was such perhaps as this country never before experienced. Therefore, discussions of the nature opened by the noble earl, ought to be entered into with great caution, and the subjects touched with a tender and delicate hand; otherwise, what was avowedly intended to effect the best purposes, might, as had often to his knowledge been the case, be productive of the very worst. He was sorry for it, but the temper of the times would have it so, that the deliberations of that august assembly, were become much too public, contrary, he believed, to the custom of all other states, of which any account had been handed down to posterity. Rome, in the most flourishing stages of that republic, never published the proceedings and consultations of her senate, and he should ever think, that in that she acted wisely; for controuling executive government, when measures and their consequences were fully known and decided, and controuling the execution of measures, while they were in train, or depending, was in his opinion two different things.

He differed very widely, he said, from the noble earl, respecting the subsisting treaties between us and Holland. He said, that the treaty of 1674, like all other treaties, held out or promised reciprocal benefits to the contracting parties. Treaties were exceptions to the general and universal law of nations, and as the benefits were supposed to be nearly balanced, and reciprocal, so were the obligations for their due and faithful performance. The history of the treaty of 1674, was this: Great Britain gave particular privileges, one among others, that of carrying all kinds of goods and merchandize without interruption; in return Holland engaged if England should be attacked, to assist her with a certain number of ships, and land forces. The nature of the treaty spoke for itself; it was in fact, an alliance,

not a mere commercial treaty; besides this, it was made when France and the united provinces were at war, and in contemplation, that what had since happened would never have taken place; namely, that Great Britain would be engaged in a war with France and Spain, and that the friendly stipulation in the treaty was to be employed against the former; but what was the conduct of Holland? That part of the treaty which answered her own purpose, she sought and pressed a religious observance of, but declined to fulfil her own engagement, that of furnishing the ships and troops.

That succour, his lordship observed, had been repeatedly demanded, and as repeatedly evaded and procrastinated by Holland, though not expressly refused. At first, as we were only at war with America, the answer was, that the *casus fœderis* did not exist. That plea could no longer be urged after the attacks made by the French at Rhode Island and Charles-town; and the attempt by Spain upon Gibraltar. Upon those events, as they arose, applications had been regularly made to the States General, calling upon them to fulfil the treaty on their part, as it had been faithfully adhered to by us; yet, notwithstanding those applications had been accompanied by remonstrances, and pressed with all possible urgency, as to the nature of the claim, and the necessity of an immediate compliance, Holland still continued to supply our enemies with all kinds of naval stores, under the sanction of the treaty of 1674: sedulously endeavouring to explain away the nature of the obligation imposed upon them, respecting the ships and troops. He was far from imputing this very extraordinary conduct to the people of Holland. Holland like Great Britain was torn by factious intrigue and cabal, which were unfortunately for both countries fomented by France; and thus the secret article in the treaty of 1674, which forbade Holland to supply our enemies with naval or military stores was said not to exist, on account of a subsequent treaty, in which the secret article was not recognized; so that in either event, whether the stipulated assistance was withheld, or the private article broke through, it came exactly to the same point. The treaty could not be binding on one party, a moment after it had been broken by the other; consequently, whether the matter was considered relative to the breach of the secret article, or to the undertaking

to assist us in case of an attack, it was to all intents and purposes, literally and substantially long since at an end.

Finding at length all remonstrances totally disregarded, and, what was more, that the French faction had prevailed so far, as to send out ships destined for France, and loaded with all kinds of military stores, under convoy; and this, he was persuaded, upon a presumption, that we were so spiritless and depressed, as to submit to any indignity they might think it convenient or proper to put upon us; his Majesty's confidential servants thought it high time to convince them of their error, and chastise them for their baseness. On this idea commodore Fielding was sent out to intercept them. He did so, and brought several of the ships into Portsmouth, and would the whole of the fleet, had not the season of the year, and the length of the nights favoured their escape down the channel. Yet, however powerful the French faction in Holland might be, there was one circumstance respecting that business which was worth attending to: that Holland, he meant the governing powers there, took care that the timber for building should not be sent out, under convoy, as an act of state, but barely permitted at the risk of the owners, who, as he had just observed, made their voyage good to Brest without interruption.

He did not wish to conceal any thing, neither to exaggerate; but he thought it incumbent upon him to observe to their lordships, that after the repeated and pressing memorials which had from time to time been transmitted to sir Joseph Yorke, and presented by him to the States General, the refusing to comply with the requisitions, founded upon subsisting treaties, rendered every thing which subsequently happened, or might happen, the act of the republic, not the particular transgressions of interested individuals. The spirit of enterprize in merchants in expectation of inordinate gain, and rapidly amassing great fortunes, was, he believed, an almost universal principle, and in the breasts of none of that description did this principle more powerfully operate, than in those of the merchants and traders in Holland. The observation was almost become proverbial. The story of count Lowendahl, who took Bergenopzoom, was notorious, and well authenticated; for although it was the key of the United Provinces, Lowendahl protested that he must have failed in his attempts, had not the

merchants of Amsterdam been so kind as to furnish him with gunpowder: and that at another time, when the Republic was at war with Spain, the Dutch merchants privately contracted with his Catholic majesty to supply him with a certain number of ships, and very faithfully fulfilled their bargain. The case at present was clearly different, it was not private risk, nor mercantile adventures. It was evidently an affair for which the Republic itself had become responsible, as well by a tacit refusal under various pretexts, to fulfil the subsisting treaties, as by an active avowal of their real intentions, sending the ships carrying goods to our enemies, expressly contrary to the treaty of 1674, under convoy. If after such provocations, directly or indirectly, we must indeed be sunk as a people; we must be emptied of all spirit, and ministers deserved every charge urged against them on the score of timidity and irresolution; of being dastardly to the most extraordinary, shameful, and disgraceful degree, if they permitted Holland to continue supplying France and Spain, with what might be well denominated the sinews of war. Had ministers not attempted to avail themselves of the local situation of this island, placed as it were by Providence, between the northern and southern parts of Europe, they would most certainly have deserved every epithet the noble earl had, or was inclined to bestow upon them. Had not they endeavoured to cut off those sinews of war, and stopped the supplies of naval stores, destined for Brest and elsewhere, to the general accusation of incapacity, and irresolution, the noble earl, in his opinion, might with justice have added a criminal inattention, nay, even treachery itself.

Ministers had adopted a very different mode of conduct; notwithstanding which they were arraigned by the noble lord. In his lordship's idea, they were highly blameable, and for what? Because they seized the dagger which Holland was preparing to put into the hand of France, whose avowed object was the total destruction of Great Britain, if not as a nation, most clearly and confessedly, as a maritime power. Was this a charge which ministers need be ashamed of? He hoped not. He hoped it would never be imputed as a crime to ministers in that House, or out of it, that they prevented Holland from continuing the nominal ally of Great Britain, while her conduct in point of form and effect both, bespoke the friend if not the open

auxiliary of France. Surely this could not be? He would never believe that so absurd, so uncharitable an interpretation could possibly be put upon their conduct. For one, he was ready to defend the whole of their conduct respecting Holland, who so far from performing the obligations to which she bound herself, had even departed from the permanent and established rules by which her conduct was circumscribed, as a power acting under the acknowledged laws of neutrality.

For his part, by what he could learn from the best authorities on the subject, he always understood that neutrality consisted simply in this; that the neutral power was not to give assistance in any shape whatever. Was that the case here? Or could it be so understood, either in fact or argument? By no means. Holland, by a direct and open interference, might hurt herself, but, all circumstances considered, could hardly do any injury to Great Britain. Her conduct was the very reverse; for under the semblance of amity, at least a rigid neutrality, she was daily doing the most material, and perhaps fatal injury to Great Britain. Indeed, the supplying our enemies with naval stores, was all Holland could do, and she had done it.

The noble earl said he had made several observations on the paper which appeared in the London Gazette of the 18th of April. The noble earl concluded, that the paper in question shut the door ultimately against any return to the former good understanding which subsisted between Great Britain and Holland. He was not sagacious enough to follow the noble lord to the object at which he pointed; the declaration he confessed was a strong one; but it was necessarily so, and notwithstanding all the harsh epithets bestowed on it by the noble lord, in his opinion there was still left an opening, and a wide one, for Holland, if she chose it, to return with ease, honour, and convenience to her former friendly connection with Great Britain.

His lordship next entered into a kind of abstract history of the negotiations of sir William Temple, relative to the treaty of 1674, the difficulties he had to contend with; the peculiar embarrassments and perplexities which arose in the prosecution of it, and the final result; commenting as he proceeded on several parts of the noble earl's speech, who made the motion. Respecting the conduct of the court of Russia, his lordship was very full. It was his opi-

nion, (and he had been in a situation more than once when his opinion was asked), that it was the temporary, as well as permanent interest of Great Britain to do all in her power to cultivate a friendship, and political connection with the court of Petersburg; because it always appeared to him, that their interests were the same, and their advantages necessarily reciprocal. As to the conduct of the court of Versailles, respecting the Russian manifesto, which the noble earl had represented in so unfavourable a point of view, by recommending to us to adopt a similar mode of conduct, or the other part of the alternative, an immediate breach with Russia, did by no means strike him in the same light. It was of very little consequence what France said or wrote upon the occasion; but he believed, there was very little need of positive proof to shew, that the regulations, such as had been laid down, in the empress of Russia's declaration, had not been received in the French navy: and he was perfectly persuaded, that whether the orders were formally issued or not, there was no positive order given for their unqualified observance. To receive an instruction how to act was one thing; but the point would turn on the single circumstance, whether at the same time the officer who received such order would understand it to be an efficient order, to be *bonâ fide* carried into execution? The declaration of the court of Versailles carried with them that degree of weight they were justly entitled to in the different courts of Europe. Russia could not forget the conduct of France upon a recent occasion; he meant when that power sent a squadron into the Mediterranean, about ten years since, to make a maritime war on the Turks, and to attack their islands in the Archipelago. Upon that occasion it was well known, and had been so stated by the noble earl who made the motion, that in the midst of the most solemn assurances of good will from France; she was at that time meditating the destruction of the Russian navy, and would probably have accomplished her design, but for the timely and spirited interference of Great Britain.

The noble earl complained loudly, and strongly criminated ministers for not profiting by the disposition and complicated interests of the several leading powers of Europe, particularly Russia, alluding to the circumstances last mentioned. He was of opinion, that the noble earl should

have endeavoured to inform himself better on the subject before he passed so harsh, and he was free to maintain so unmerited a censure upon his Majesty's confidential servants. He should have learned what was done, and what was omitted, before he proceeded to judgment; when he had, he doubted not, but his lordship would entertain sentiments extremely different from those he had that day expressed. The situation of Europe, the interests and views of its respective states, and a variety of circumstances little known, rendered that impossible, though speciously, and apparently practicable in the execution. He said, the empress of Russia was a wise and a just princess, and he had every reason to believe, would act strictly conformable to those great characteristics, and that her reign would prove as glorious as that female reign which so justly distinguished the annals of this country. The noble lord condemned ministers, for not profiting at the period alluded to, when the spirited interference of this country prevented the destruction of her fleet by France, in the Mediterranean. For his part, he thought the court of London acted with a magnanimity and disinterestedness, that reflected the highest honour upon it. It would be mean, selfish, and pitiful, to take an advantage arising from the moment, to extort stipulations in our favour. Advantages thus gained seldom proved beneficial to those who extorted them; such situations might generate treaties, but they seldom, if ever, produced amity or affection. At the best, they were performed in an ungracious manner, and with little effect; and were generally evaded, for pretences would never be wanting to evade fulfilling engagements entered into in moments of difficulty and distress: and if he had an option, at the instant he was speaking, he would rather trust to what might arise in the heart of the empress of Russia, from a recollection of past obligations, than merely have a right to make requisitions, formed on such a claim as he had been describing. On the whole, it was neither probable or natural, that the empress of Russia would desert her best friend, in the moment of adversity; she felt in her own mind too strong a sense of past obligations, to act so perfidious and unnatural a part; besides, her interest, according to the present system of Europe, as well as her gratitude, bound her to a conduct very different from that predicted by the noble earl.

Lord *Camden* said, he heard with astonishment what fell from the noble viscount relative to the future conduct of Russia: the noble lord acknowledges, that such a code of maritime laws as that so often mentioned in the course of the debate, has been promulged by the empress of Russia; that she has invited the other neutral maritime powers of Europe to accede to it; and the powers at war to submit to such regulations, as may be the result of a treaty, or congress, or meeting to be assembled for that purpose; while the leading steps are already taken, communications made by the courts of Stockholm and Copenhagen, and the Dutch republic; in the very moment that France, not waiting for the result of the congress deliberations, assents in the first instance, and Spain has given the fullest assurances of a similar intention; in such a state of things, what does the noble viscount tell you? That it is all no more than a dream or a reverie; that the empress of Russia knows her own interest too well, as connected with that of Great Britain; that France has only acceded to it from the mouth outwards; that Spain will never consent to it: in short, that the whole is a shadow, a mere fanciful creation, which no wise man can believe, nor no Englishman regard. If their lordships could swallow all this, he was ready to sit down. Before he had done, however, with this part of his subject, he could not avoid taking notice of a very singular part of the noble viscount's argument. The great advantage, says the noble viscount, this country derives from the locality of its situation, placed us between the northern and southern maritime states of Europe; it would betray the utmost folly, the most spiritless, if not treacherous conduct in ministers, should they neglect to avail themselves to the full extent of that situation, by permitting the Dutch, contrary to the law of nations, to carry naval and military stores to our foreign enemies. Here, then, was a complete acknowledgment; that if, through any mismanagement, neglect, or incapacity, the advantages to be derived from our local situation were rendered of none effect, by a combination among the neutral states to protect their own property against the belligerent powers; then, most clearly, that acknowledgment amounted fairly to this: that the efficient force we had to balance the great disparity between us and the House of Bourbon, when thus

taken away, would, without the special interference of Providence in our favour, at length turn the scale decisively against us. He was sorry to commence prophet on the present melancholy occasion; but he could assure the noble viscount of what he seemed to be ignorant, or knowing it, wished to conceal; that if we attempted to stop neutral bottoms, with their cargoes, or the goods of enemies in neutral bottoms, and condemned them as lawful prize, our seas, as well as the ocean, would soon be visited by powerful squadrons; and in case we should persist, that force would be repelled by force: in short, if we should attempt to avail ourselves of our local situation, in the manner contended for by the noble viscount, besides Spain, France, and America, we should shortly have Russia, Sweden, Denmark, and Holland, for our open and declared enemies. This he could state with confidence, because he knew it to be the fact. —Ministers had been, in his opinion, extremely to blame, in the beginning of this affair. They had wantonly insulted Holland; they had hurt her in her tenderest point, that of her commerce, and the advantages derived from it: and, they had accompanied those injuries with a degree of haughtiness, that created in the minds of the Hollanders the most deep and fixed resentments. France profited of the occasion; she brought over some of the provinces to her side; and spread a spirit of faction and discontent and dislike of the English, throughout those other provinces, which did not fall so fully into her views. No care was in the mean time taken to form any connexion in the north; to hold out exclusive benefits and advantages, in order to counteract the ill-humour of Holland, or counterpoise her weight, in the opposite scale, should she join France; or, which amounted to nearly the same thing, promote her interests, under the pretence of an armed neutrality. No; every thing was left to chance. Ministers, in a paroxysm of despair, seized the Dutch ships. This alarmed the other neutral powers, and produced the sudden declaration of the court of Petersburg, the effects of which no man could yet pretend to foretell.—He remembered, during the last war, the minister of that day, one of the first war ministers this or any other country ever beheld, adopted a very different mode of conduct. He believed no man doubted the spirit of the late earl of *Chatham*, his firmness, and

love of enterprize; yet, undaunted as he was, his vigour of mind was happily tempered with judgment, penetration, and foresight. It was the politics of that day to confine national exertions to deeds not to words. The truth was, that we did at the time avail ourselves of our situation, but it was equally true, that we conducted ourselves with caution and good temper. He had the honour to be then one of the law officers of the crown. Numerous complaints were made; his advice was sometimes asked—what were the private sentiments of that consummate statesman, as explained to him in confidence? That our enemies must be cut off from the supply of naval and military stores, to the utmost of our power; but that all possible industry should be used to prevent any alarm; that the complaints of the neutrals should be attended to, every deference paid to the complainants, and speedy redress administered; but, nevertheless, that the great, the only object, should never be lost sight of, that of distressing the common enemy, and depriving them of the sinews of war. This was the system the earl of Chatham acted upon; this was the moderation he displayed in the very zenith of glory and victory, in the rapid career of the most unprecedented success that any country could ever boast of. He insulted no man because he had the power to do it; he crouched to no man for fear of the event. His country was equally dreaded and respected. No injury went unredressed; no insult unchastised; and at the very moment when the naval power of Great Britain, if opposed to the aggregate of the whole naval power of Europe, would preponderate the scale; that truly wise, as well as in every respect truly great man, arranged matters so, as to cause strict justice to be done to the meanest, or most insignificant state in Europe, as much as if the oppression of a private individual belonging to that state, if not redressed, would have been decisive of the war against us.

The Earl of *Sandwich* defended ministers against the imputation of incapacity or neglect, in permitting the division of Poland and of the dominions of the late elector of Bavaria. Such an interference he said would have probably involved this country in a continental war. It was impossible that any one noble lord who heard him, could more sincerely lament the misfortunes and difficulties into which we were plunged, and by which we were

surrounded, than he did: but when he said this, he was free to declare, that he knew of no method so likely to extricate us, as acting with resolution and spirit; nor that there could be a better proof given of our wisdom than availing ourselves of the locality of our situation, by intercepting all military or naval stores destined for the use of our enemies, be the consequence what it might in respect to the neutral powers. Continental connections had always, and ever would be productive of continental wars; and after the experience of the four great wars since the Revolution, he believed, no real friend to his country would wish to behold a fifth. When he said this, he was far from insinuating, that alliances were not very necessary, and even subsidy treaties very desirable, under certain circumstances; but that all depended upon the nature of those circumstances. He remembered, when he was a young man, much too young to be honoured with the high trust his sovereign was graciously pleased to repose in him, [ambassador extraordinary and plenipotentiary, in 1748, to treat of peace at Aix-la-Chapelle] a treaty was entered into with the then empress of Russia, for a body of 40,000 troops, to be marched through the heart of Germany, into Flanders. He remembered the signal benefits which were the consequences of that measure; for from the very day the troops were put in motion, till the instant the preliminaries were signed, he perceived that the French minister began to lower his tone, and became more ready to listen and attend to reason. But he feared, that the present system of Europe forbid us to entertain any such expectation, or any hopes of success. The other great powers of Europe stood aloof. It was a contest in which they could not be persuaded that they had any eventual interest. It arose between ourselves and our subjects, in the first instance, and at length brought on a maritime war between us and the House of Bourbon. There were besides distinct considerations, that prevented the other powers from interfering in the quarrel. One in particular, that the objects contending for, were not situated in Europe, but in America; consequently, that what was called the balance of power in Europe, was not affected by our disputes. Upon the whole, therefore, since it was a maritime struggle, and that we possessed the advantages he had so often alluded to, he thought we should be in-

fatuated to the last degree, not to improve them. He would therefore give a negative to the noble earl's motion.

The Duke of *Grafton* was astonished, how the noble earl who spoke last, could have made such a *detour* upon subjects very little connected with the motion. The preliminaries of peace agreed to at Aix-la-Chapelle were well known, so was the Russian treaty; admiral Byland's having been stopped in the Channel, &c. but what was all this to the question? The real question before their lordships was, to have the papers moved for laid before the House; and, upon knowing how ministers conducted themselves, to act accordingly; if criminally, to pass a vote of censure upon them, and address for their removal; if not, to advise his Majesty to adopt such measures, as the very critical situation of affairs might render necessary. At present the prospect was alarming. If the neutral carriers and owners were stopped indiscriminately, their ships and cargoes condemned, it could not be doubted, that a rupture with the armed confederacy would be the consequence. Notwithstanding the language of desperation used by the noble earl, he trusted there would not be found a second man in the kingdom of the same mind. On the other hand, if this high sounding language was only assumed to answer a temporary purpose with their lordships, by holding out a salvo for the national honour, while it was secretly intended to permit the neutral powers to assist our enemies with naval stores, then the fatal consequences predicted by the noble earl who spoke last, would certainly take place, and we must at length sink under the collected weight of the House of Bourbon, thus abetted by our pretended friends, but real enemies. But he trusted, if their lordships would, as in duty they were bound to do, consent to take up the matter, both of those dangers and fatal extremes might be easily avoided. The supplies, if not totally, might in part, and perhaps that was all that was necessary, be cut off; and that without involving us in hostilities with the northern powers. There was in his opinion a medium to be taken: for his part, he was astonished how ministers could have missed it; nor was it yet shut finally against us. As the learned lord who spoke lately judiciously hinted, the desired effect might be produced, without any formal avowal; measures of force might be used, and yet all the parties rest contented when

the principle of right was not strictly contended for. It was on this ground chiefly, that the motion met with his approbation. Ministers had been tried, and had proved themselves totally unequal to the task. They had been loud without effect; oppressive without exertion; they had, on the other hand, been cringing without management, and mean without being able to persuade.

The Earl of *Mansfield* said he was ready to agree with the learned lord (*Camden*) and the noble duke who spoke last, that all possible circumspection should be used, in order to avoid giving any real cause of offence. He believed the fact was so, for he had not yet heard that a single Russian ship had been captured; or that a single complaint on that head, had been made by the court of Petersburg. The Dutch in former times often complained, as they do now; even during the last war but one, when we were acting as allies together on the continent, he was then one of the law officers of the crown, during which time he had been frequently consulted, but the particular case always explained itself, without appealing to any general rule. His lordship said, he chiefly objected to the motion, though in one sense he thought it harmless enough, because it would be a waste of time to no manner of purpose. Every noble lord who heard him, knew that the papers moved for were publicly known to exist. What, then, is the end of producing them? The noble lord who made the motion tells you, in order to found a vote of censure upon them, against the noble earl who spoke lately, or some of his colleagues in office. Now, that was the only reason which induced him chiefly to give his vote for with-holding the papers. It signified very little if the mere motion went; but it was that which was meant to be engrafted upon it which he was solely against; for he would never give his vote for censuring those who had, in his opinion, faithfully and ably discharged their duty, which he must do, if he voted for the present motion.

The House divided: Contents 32, Proxies 7—39. Not-contents 62, Proxies, 32—94.

Lord George Gordon presents the Petition of the Protestant Association—Proceedings in consequence of the Riots.]*

* "The successful resistance of the zealots in Scotland to any relaxation of the penal laws

June 2. Lord George Gordon pursuant to notice presented the Petition from the Protestant Association. Above sixty thousand of the petitioners accompanied his lordship to the lobby of the House. Lord George said, he had before him a

against Papists, seems to have given the first rise to the Protestant Association in England: for about the same time bills were dispersed, and advertisements inserted in the newspapers, inviting those who wished well to the cause to unite under that title; and lord George Gordon, who had been so active at the head of the mal-contents in Scotland, was chosen their president. On Monday, May 29, a meeting was held at Coachmakers-hall, pursuant to public advertisement, in order to consider of the mode of presenting a petition to the House of Commons. Lord George Gordon took the chair, and after a long inflammatory harangue, in which he endeavoured to persuade his hearers of the rapid and alarming progress that Popery was making in this kingdom, he proceeded to observe, that the only way to stop it was, going in a firm, manly, and resolute manner to the House, and shewing their representatives that they were determined to preserve their religious freedom with their lives. That, for his part, he would run all hazards with the people; and if the people were too lukewarm to run all hazards with him, when their conscience and their country call them forth, they might get another president; for he would tell them candidly, that he was not a lukewarm man himself, and that if they meant to spend their time in mock debate and idle opposition, they might get another leader. This speech was received with the loudest applause, and his lordship then moved the following resolution: 'That the whole body of the Protestant Association do attend in St. George's-fields, on Friday next, at ten o'clock in the morning, to accompany his lordship to the House of Commons on the delivery of the Protestant petition;' which was carried unanimously. His lordship then informed them, that if less than 20,000 of his fellow-citizens attended him on that day, he would not present their petition; and for the better observance of order, he moved, that they should arrange themselves in four divisions; the Protestants of the city of London on the right; those of the city of Westminster on the left; the borough of Southwark third; and the people of Scotland resident in London and its environs, to form the last division; and that they might know their friends from their enemies, he added, that every real Protestant, and friend of the petition, should come with blue cockades in their hats.

"Accordingly, on Friday, June 2, at ten in the forenoon, several thousands assembled at the place appointed, marshalling themselves in ranks, and waiting for their leader. About

petition, signed by nearly 120,000 of his Majesty's Protestant subjects, praying for a repeal of the Act passed the last session in favour of Roman Catholics. His lordship then moved to have the said petition brought up. Mr. Alderman Bull second-

eleven o'clock, lord George arrived, and gave directions in what manner he would have them proceed; and about twelve, one party was ordered to go round over London-bridge, another over Blackfriars, and a third to follow him over Westminster. A roll of parchment, containing the names of those who had signed the petition, was borne before them. They proceeded with great decorum on their route, and the whole body was assembled, about half past two, before both Houses of Parliament; on which occasion they gave a general shout.

"But however peaceable and well-disposed some of them might be, others soon began to exercise the most arbitrary power over both Lords and Commons, by obliging almost all the members to put blue cockades in their hats, and call out, 'No Popery!' Some they compelled to take oaths to vote for the repeal of the obnoxious Act, others they insulted in the most indecent and violent manner. They took possession of all the avenues up to the very doors of both Houses of Parliament, which they twice attempted to force open. The archbishop of York was one of the first they attacked. As soon as his coach was known, coming down Parliament-street, he was saluted with hisses, groans, and hootings. The lord president of the council, lord Bathurst, they pushed about in the rudest manner, and kicked violently on the legs. Lord Mansfield had the glasses of his carriage broken, the pannels beat in, and narrowly escaped with life. The duke of Northumberland had his pocket picked of his watch. The bishop of Litchfield had his gown torn. The wheels of the bishop of Lincoln's carriage were taken off, and his lordship escaped with life, being obliged to seek shelter in the house of Mr. Atkinson, an attorney, where he changed his clothes and made his escape over the leads of the adjacent houses.

"The lords Townshend and Hillsborough came together, and were greatly insulted, and sent into their house without their bags, and with their hair hanging loose on their shoulders. The coach of lord Stormont was broken to pieces, himself in the hands of the mob for near half an hour: he was rescued at last by a gentleman, who harangued the mob, and prevailed on them to desist. Lords Ashburnham and Boston were treated with the utmost indignity; particularly lord Boston, who was so long in their power, that it was proposed by some of the peers to go as a body, and endeavour, by their presence, to extricate him; but whilst they were deliberating, his lordship

ed the motion, and leave was given accordingly. The Petition was then read, setting forth;

“That the petitioners, sensible of the many blessings which, as Protestants and Britons, they enjoy, cannot but be alarmed at an Act, passed in the 18th of his present Majesty, repealing certain penalties and disabilities imposed on the Papists by a statute, enacted in the 11th and 12th of William 3, for further preventing the growth of Popery; and it is with the deepest concern that they petition this honourable House against a law which has already received the royal assent; but, as this Act was so suddenly introduced, and

escaped without any material hurt. Lord Willoughby de Broke, lord St. John, lord Dudley, and many others, were personally ill treated; and Welbore Ellis, esq. was obliged to take refuge in the guildhall of Westminster (whither he was pursued), the windows of which were broke, the doors forced, and justice Addington, with all the constables, expelled; Mr. Ellis escaped with the utmost hazard.

“Lord George Gordon, during these unwarrantable proceedings, came several times to the top of the gallery stairs, whence he harangued the people, and informed them of the bad success their petition was like to meet with, and marked out such members as were opposing it, particularly Mr. Burke, the member for Bristol. He told them, at first, that it was proposed to take it into consideration on Tuesday, in a committee of the House, but that he did not like delays, for the parliament might be prorogued by that time.

“He afterwards came and said, ‘Gentlemen, the alarm has gone forth for many miles round the city. You have got a very good prince, who, as soon as he shall hear the alarm has seized such a number of men, will no doubt send down private orders to his ministers to enforce the prayer of your petition.’

“General Conway, and several other members, expostulated with him very warmly on the mischiefs that might arise from such conduct; and colonel Gordon, a near relation of his lordship’s, went up to him and accosted him in the following manner: ‘My lord George, do you intend to bring your rascally adherents into the House of Commons? If you do—the first man of them that enters, I will plunge my sword,—not into his, but into your body.’

“While his lordship was making his second speech to the mob, another of his relations, general Grant, came behind him, and endeavoured to draw him back into the House, and said to him, ‘For God’s sake, lord George! do not lead these poor people into any danger.’—His lordship, however, made the general no answer, but continued his harangue—‘You

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so hastily passed, before the sense of the nation at large could be obtained, or any opposition formed against it, they are encouraged to hope that this application will not prove too late for redress; and that, notwithstanding the late Act might be intended to repeal only detached parts of a single statute, the petitioners conceive, that it is an absolute repeal of the most essential clauses in that statute, and will operate virtually to render those Acts against the Papists that are yet unrepealed of none effect; and that the petitioners apprehend, that the Papists construe the late indulgence of parliament to be a toleration of Popery, as appears by the mass

see,’ said he, ‘in this effort to persuade me from my duty, before your eyes, an instance of the difficulties I have to encounter with from such wise men of this world as my honourable friend behind my back.’

“Alderman Sawbridge and others endeavoured to persuade the people to clear the lobby, but to no purpose. The assistant to the chaplain of the House of Commons likewise addressed them, but gained nothing except curses. Soon after this, a party of horse and foot guards arrived. Justice Addington was at the head of the horse, and was received with hisses; but on his assuring the people that his disposition towards them was peaceable, and that he would order the soldiers away, if they would give their honour to disperse, he gained their good will. Accordingly the cavalry galloped off, and upwards of 600 of the petitioners, after giving the magistrate three cheers, departed.

“The greatest part of the day, the attention of the House of Commons had been taken up in debates concerning the mob. When they had obtained some degree of order, lord George introduced his business with informing them that he had before him a petition signed by near 120,000 of his majesty’s Protestant subjects, praying, ‘A repeal of the act passed the last session in favour of the Roman Catholics,’ and moved to have the said petition brought up. Mr. Alderman Bull seconded the motion, and leave was given accordingly.

“Having brought up the petition, his lordship then moved to have it taken into immediate consideration, and was again seconded by Mr. Alderman Bull.

“After some debate, the House divided, and there appeared 6 for the petition, and 192 against it. Soon after this the House adjourned, and the mob having dispersed from the avenues of both Houses, the guards were ordered home. Though order and tranquillity were re-established in this part of the town, it was far otherwise elsewhere, &c.” For an able Summary of the Proceedings of the Rioters, see Annual Register for 1780, pp. 190, 254.

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houses and schools which they are opening throughout the kingdom, and by their printing Popish books, and publicly exposing them to sale; and that Popish bishops, priests, jesuits, and schoolmasters, now openly exercise their functions, whereby the people, especially the rising generation, are in danger of being led into superstition, idolatry, and rebellion; and that Papists can now purchase what lands, tenements, or hereditaments, they please, and inherit the same; that they will thereby influence our elections in future parliaments, and that this must tend to the destruction of our happy constitution; and that as Papists can now, by legal authority, confess the ecclesiastical or spiritual jurisdiction of the Pope and See of Rome, which our laws, before the passing of the late Act, have constantly disavowed, the petitioners are very much alarmed lest they should be involved in the guilt of perjury, when called to declare upon oath, 'That no foreign prince, person, prelate, state, or potentate, hath any jurisdiction or authority, ecclesiastical or spiritual, in this realm;' and that Popery is in its nature intolerant, in a Protestant country seditious, and in this kingdom disaffected to the present reigning family, and therefore to encourage it tends to the subversion of the state, to dethrone the King, and to set aside the succession of the illustrious House of Hanover to the crown of this kingdom; and that as England and Scotland are united, the petitioners cannot but think it a hardship upon the people of England, to have Popery countenanced among them by law, when their brethren in Scotland have been officially assured, that no law shall be made to favour Popery in that country; and the petitioners presume, that their peaceable deportment, and the constitutional steps they have taken to obtain redress, will meet the approbation of this honourable House; and that the petitioners do not desire to persecute the Papists, but to preserve themselves and their posterity from a repetition of those rebellious and bloody scenes which Popery, under pretence of promoting the interest of the church, has exhibited in these kingdoms: wherefore, to preserve the succession of the illustrious House of Hanover in the Protestant line, and to secure our civil and religious liberties against the incroachments of Popery to the latest posterity, the petitioners humbly pray, That leave may be given to bring in a Bill to repeal the Act lately passed in favour of the Papists."

Ordered, That the said Petition be referred to the consideration of a committee of the whole House. Lord George then moved, that this House do now resolve itself into a committee of the whole House, to consider of the said Petition: this was seconded by Mr. Alderman Bull. A motion was made, and the question being put, that the House do now adjourn; it passed in the negative. Then the main question being put, the House divided; the Yeas were directed to go forth: but not being able to do so, on account of the tumultuous crowd in the lobby; and the Serjeant at Arms attending this House having informed the House, that it was not in his power to clear the lobby; Mr. Speaker directed him to send for the sheriff and other magistrates of the county of Middlesex and city of Westminster, to attend the House immediately. And after some time, several justices of the peace of Middlesex and Westminster attending accordingly, they were called in; and, at the bar, Mr. Speaker informed them, that a tumultuous assembly of people had surrounded the House, and rendered it very difficult for the members to come into or go out of the House, which disorder had continued for many hours; that it was their duty to preserve the peace; and for that purpose they had authority to call forth, if necessary, the whole power of the county to their assistance: Mr. Speaker therefore directed them to use their utmost exertions to restore peace and good order. And then they withdrew. And the House, after some time, being informed that the lobby was cleared; the Yeas went forth.

Tellers.

YEAS	{ Lord George Gordon -	}	7
	{ Mr. Alderman Bull -		
NOES	{ Sir George Osborne -	}	192
	{ Mr. St. John - - - -		

So the question passed in the negative; and the House resolved to take the Petition into consideration on the 6th. The members who voted with lord George Gordon were, sir P. J. Clerke, sir M. Le Fleming, sir James Lowther, Mr. Polhill, Mr. Tollemache, and earl Verney.—At eleven the House adjourned to the 6th.

June 6. Notwithstanding the alarms of particular members on account of the multitude, about 200 members attended in their places.

Mr. Buller made several observations as well upon the alarming conduct of the

populace, as the measures which had been taken by government to prevent the dangerous effects of the popular outrages; after which he moved the following Resolutions:

1. "That it is a gross breach of the privilege of this House, for any person to obstruct and insult the members of this House, in the coming to, or going from, the House, and to endeavour to compel the members, by force, to declare themselves in favour of or against any proposition then depending, or expected to be brought, before the House.

2. "That the taking possession of the lobby and the avenues to this House, on Friday last, by a large and tumultuous assembly of people, and maintaining the same, to the great obstruction of the business of this House, though frequently desired by the Serjeant at Arms attending this House, and by several members, to withdraw, was an high violation of the privileges of this House, tended to controul the freedom of debate, and was a gross and notorious insult on the dignity and constitution of parliament.

3. "That an humble Address be presented to his Majesty, That he will be graciously pleased to give directions to the Attorney General, forthwith to prosecute all such persons as shall be found to have been the instigators or abettors of, or active in promoting, the riots and tumults that were on Friday last in Old Palace-yard, and the avenues to this House, and that were concerned in any of the outrages committed upon the houses and chapels of any of the ministers from foreign states, or in any outrages against the property and houses of any of his Majesty's subjects.

4. "That an humble Address be presented to his Majesty, That he will be graciously pleased to give immediate directions, that an enquiry be made into the amount of the damages occasioned by the outrages which have been committed upon the houses and chapels of any of the ministers from foreign states; and humbly to desire his Majesty, that he will be graciously pleased to order such satisfaction and recompence to be made for the same as his Majesty in his wisdom shall think proper: and to assure his Majesty that this House will make good the expence that shall be incurred on that account."

These several motions met the general approbation of the House, and were carried without a division.

Mr. *Burke** made a very animated speech upon the alarming and dangerous proceedings of the populace. He was extremely severe against those who were capable of misleading the people to such violent outrages against the laws and constitution of their country, as well as against reason, justice, and humanity, and he dealt his censure with vehemence against government, for that relaxed state of the police, which could no longer protect even legislature itself from violence, and insult at their very gates. In short, he felt so much for the debased dignity of parliament at that moment, that he lost all temper, and bitterly lamented the fate of such times, when those who pretended to be the advocates of freedom, were establishing the most wretched slavery, and exhibited the unhappy prospect which was then at their gates—a bludgeoned mob, and an armed soldiery! He lamented in the most melancholy terms, the dreadful necessity that obliged the military power, the notorious bane of liberty, to be called in, to defend not only the freedom, but the very existence of parliament!

Mr. *Fox* also lamented the necessity of calling in the assistance of the military, which he attributed solely to the weak administration of public affairs. He reprobated, in terms equally as warm as those of Mr. *Burke*, the promoters of the riots; the violence of which would degrade us, he said, in the eyes of Europe; for the world would see, that those men who were at the head of administration, were incapable of governing the affairs of a state.

* "This day a detachment of foot guards took possession of Westminster-hall, the doors of which they at last closed to prevent the mob entering there: several members of both Houses who walked down on foot were thus prevented from getting into the House for a considerable time, among whom was Mr. *Burke*, who was presently surrounded by some of the most decent of the petitioners, who expostulated with him on his conduct, in abetting sir George Savile's motion for the Roman Catholic Bill; Mr. *Burke* in his defence said, he certainly had seconded the motion for the Bill, and thought himself justified in so doing; he said, he understood he was a marked man, on whom the petitioners meant to wreak their vengeance; and therefore he walked out singly amongst them, conscious of having done nothing that deserved their censure in the slightest degree, having always been the advocate for the people, and meaning to continue so. Mr. *Burke* at last got rid of his troublesome interrogators." *London Chron.*

Sir *George Savile* spoke on the same side, blamed the rioters and ministers alike, and remarked, that it was not a little singular in the present mobs, that they should equally direct their violence against the friends and enemies of liberty. He however thanked the ministry for the use of the military in protecting the shell of his house.

Colonel *Herbert*, observing lord George Gordon with a blue ribbon, declared that he could not sit and vote in that House at a moment, whilst he saw a noble lord in it, with the ensign of riot in his hat; and declared with great firmness, that if his lordship would not take it out, he would go across the House and do it.—Lord George's friends interposed upon this, and his lordship not being willing to take out his cockade, they in a manner forced it from him.

Mr. *Dunning* spoke nearly the same sentiments as Mr. Burke and Mr. Fox, condemning the ministry, the military, and the mob.

It was the general opinion of the House, that no act could be legal which was agreed to whilst the House was beset with the soldiery and the mob.

General *Conway* upon the above ground, and to preserve the dignity of parliament, moved, "That this House will, as soon as the tumults subside which are now subsisting, proceed immediately to the due consideration of the several Petitions presented to this House from many of his Majesty's Protestant subjects, and take the same into their serious deliberation."

Lord *George Gordon* said, that if the House would appoint a day to discuss the business, and promise to do it to the satisfaction of the people, he made no doubt but they would quietly disperse.

Sir *George Osborne* said he had been out to see how matters were going on. He had told the mob that after the King's proclamation should have been read, the military might, and probably would receive orders to fire among them. They answered, "we will repel force by force."

Lord *George Gordon* was about to go out of the House, in order to harangue the populace; but some of his friends detained him, not without a degree of violence.

The *Speaker* lamented the lost dignity of parliament. Many other members delivered their sentiments; some were for an adjournment till the House could proceed to business without being awed by any power either of the crown or of the populace. Others thought an adjournment

at such a time would be more injurious to the dignity of the House than any other measure they could take: but it was the general opinion of the House to adjourn.

On the motion of sir William Meredith, a committee of the whole House was appointed to enquire into the causes of the riot in the lobby and avenues leading to the House, on the 2nd instant. The House then adjourned to the 8th.

June 8. The *Speaker*, attended by a sufficient number of members to authorise his taking the chair, went down to Westminster so early as twelve o'clock, and opened the House; immediately on which Mr. Dundas arose, and after expatiating on the very alarming insurrection, moved, That the House should be adjourned to the 19th.

Sir *P. J. Clerke* said he did not rise to oppose the motion, for it met with his hearty concurrence; he wished only to explain a circumstance to the House which had distressed him. At the late tumultuous assembly of the mob on Tuesday last at the House, he owned he was much alarmed, and therefore requested lord George Gordon to take him under his protection, which he did, by putting him into his lordship's coach; that he requested to be set down at Whitehall, but unfortunately for him, the mob took the horses off his lordship's carriage, and to his own unspeakable mortification, dragged them both together through Temple-bar and the city; nor could he prevail upon them to let him out, till they were set down at Mr. Alderman Bull's in Leadenhall-street. He thought it incumbent upon him to explain this circumstance to the House, lest his being seen in that situation might be misrepresented, which he was very anxious to prevent.

The House adjourned to the 19th.

Proceedings in the Lords relating to the Riots.] June 2. The order of the day being read,

The Duke of *Richmond* rose to make his promised motion relative to annual parliaments, &c. He said he found himself exceedingly unhappy, that he should have to trouble their lordships with a motion, in the situation in which they were at present. He had been frequently charged with being too ready to rise and support the claims of the people. He had been always ready to do so; because he thought it was his duty as an English-

man, and a member of that House. Their lordships would find, if occasion should render it necessary, that he would, as a peer of parliament, be equally ready, to the best of his abilities, to support the rights, privileges, and vested powers of the peerage: in short, the freedom and independency of both Houses of Parliament, and of every branch of the legislature. And no noble lord who heard him more highly disapproved of, and lamented the riotous proceedings than he, now going on in Palace-yard,* and to which he himself had been partly an eye-witness.—He had been honoured with the name of leveller, because he took delight in reformation. He confessed the latter part of the charge. He did delight in reformation; but for

* While his grace was speaking, and for some time before, every noble lord who came in, bore about him some marks of the resentment of a mob, then collected to the amount of several thousands, in the Old Palace-yard. Lord Mansfield, the Speaker *pro-tempore*, in the absence of the Lord Chancellor, then much indisposed at Tunbridge-Wells, was very ill-treated, and came into the House with his wig dishevelled; lord Stormont escaped with difficulty, with his life. Lords Hillsborough and Townshend met with very rough treatment, having had their bags pulled off, and their hair of course hung dishevelled over their shoulders. The archbishop of York was equally ill-used, and had his lawn sleeves torn off, and flung in his face.—The bishop of Lincoln's carriage was broken, he himself taken into a Mr. Atkinson's, in the neighbourhood, in a fainting fit, and was from thence obliged to escape in disguise, over the roofs of the adjacent houses, in a suit of that gentleman's clothes. He at length got in at the garret-window of another house, and would probably have fallen a sacrifice to the resentment of the mob, who at length broke into his late asylum, but were much disappointed when on searching the house, they discovered that the prelate had eluded their search, and escaped the vengeance they had been meditating. Lord Bathurst, president of the council, and lords Aberdeen, Denbigh, Cholmondeley, were very ill-used; and the duke of Northumberland remarkably so. There was a gentleman with his grace in the carriage, which gave rise to a false report, that the gentleman was a Jesuit. His grace was forced out, and in the scuffle, he lost a valuable watch and his purse; and lord Sandwich narrowly escaped destruction; and owed his life probably to the presence of mind of his coachman, who, in the midst of danger, suddenly whipped his horses round, and drove his master safe back to the Admiralty, without receiving any material injury.

what reason? Because he thought it was become absolutely necessary. He wished most sincerely to see the abuses, that had been gradually, for nearly a century, creeping into government, sometimes more slowly, at others with more rapid strides, corrected or removed. The constitution was daily impairing, and government becoming more and more corrupt; he might add, most grossly and flagrantly corrupt. The task of reformation, he acknowledged, was big with difficulty, and dangerous, perhaps, in the execution. He was likewise satisfied, that to ensure success, it ought to be touched with a careful and a delicate hand. The plan he had in contemplation, was not to level and mix all distinctions of men indiscriminately, but to distinguish them clearly. Every rank had its duties, from the highest to the lowest; the king depended on his people for support: the people on their sovereign for protection. After this sincere declaration, he trusted it would not be imputed to him, that he wished to level the distinctions between men. He was persuaded that they were contrived and ordained by Providence, for the wisest purposes; for there was an eternal barrier in the human mind, against the equal division of wealth and power, were he weak enough to endeavour to persuade his fellow-subjects to the contrary. He was an enemy to the system which had prevailed since the commencement of the present administration; because it tended to render the King's will the rule and measure of government; a system which was said to have originated from some circumstances which happened towards the close of the last reign. It was said, for instance, that his late majesty had a ministry, who, by the united strength acquired by their wisdom, enterprize and activity, rendered themselves so justly popular, and so strongly fortified in their seats, that the king was in fact a servant. The minister possessed every thing but the name of king, and the king was little more than a Dutch stadtholder, or a doge of Venice. An occasion happened, it was said, on which his majesty and his ministers thought differently, and he wished to get rid of them; yet, such was the popularity of the minister, on account of his repeated successes, by which the national glory had been so eminently exalted, that there could not, as it was understood at the time, a man in the kingdom be prevailed upon to succeed him. The apprehension of such another situation had

given rise to the present system, It was dreaded, that if men of ability and integrity: men, who having a weight and reputation in the country, and the confidence of the people, a kind of intrinsic strength, to put them beyond mere personal dependency, that it might reduce his present Majesty to a state of slavery, such as report had imputed to a former reign. If this reasoning might be fairly relied upon, he could not say, but the devisers of the present system had acted perfectly consistent; for certainly, if so much was to be apprehended from men of great talents, sound experience, and eminent integrity, they had carefully selected the weakest, most servile, and unpopular, that could be found; men every way unqualified for their high stations; for when wisdom was most wanting, the most consummate weakness was substituted in its place. The plan, such as it was, was most anxiously and unremittingly pursued since the commencement of the present reign. Administrations had been formed in rapid succession, for the first five or six years after his present Majesty ascended the throne; they were composed, it was true, of the most heterogeneous and discordant materials. Men of different principles and habits were called together, not to carry their respective opinions into execution; one party to govern this day, and the other the next; but to propose and sanction measures, equally repugnant to their own sentiments as to those of each other. Men thus inimical, found a gratification, at least, in throwing their weight into the opposite scale; that is, when any measure was proposed which was contrary to their own, as well as their opponents' principles, they vainly imagined, that when they supported the secret adviser's schemes, they were thereby fortifying themselves; but what was the consequence? They found themselves, perhaps, in a very few days after, exactly in the same predicament, if the measure recommended corresponded with the sentiments of their adversaries. By this means, parties, and the remnants of former administrations, were set on to worry each other; while the balance was held by a secret invisible power, which directed the whole political machine at pleasure. He begged pardon for this digression from the subject he had caused their lordships to be convened to determine upon; he meant the most likely method of setting some limits, and restraining, at least, if

not reducing the increasing and alarming influence of the crown. Various methods had been devised by the several county meetings to effect so desirable an object: he had hit upon two modes. The one, a proposition for restoring the duration of parliament to its ancient stated period; he meant annual parliaments, in which the representative would be sent back to his constituents at the end of every session, or every year: the other, a proposition to add one hundred members to the present representative body, by adding so many knights of shires, in order to balance what was usually called the dead weight of the rotten or ministerial boroughs. He should, with their lordships' permission, consider both those propositions with the attention which they seemed to him to deserve, and to the best of his abilities. It was not his intention to combat the impropriety, or to maintain the expediency of either of those propositions; the principle of the former clearly corresponded with his own general sentiments; the latter, perhaps, would be attended with some inconveniences; a very obvious one, however, struck him, and he would mention it; which was, that a room large enough to accommodate with ease and convenience 658 members would be very unfavourable to the purposes of deliberation and debate. His grace then began to open his plan more minutely, and distinctly; he said, if this free constitution was to be saved from ruin, parliament and the people, this House as well as the other, must go to the root of the evil. Burgage tenures must be abolished. The duration of parliaments must be shortened, they must be rendered annual, or if that could not be obtained, they must be shortened, and every man in the kingdom, of full age, and not disqualified by law, must be represented. His grace was proceeding, but was two or three times interrupted by lord Montfort. He complained warmly of the interruption, and appealed to the woolsack. He said, if he had uttered any thing disorderly, or against the rules of debate, he was ready to sit down; but he expected, if not, that he would be permitted to proceed.

Before the noble lord on the woolsack had time to answer, lord Montfort, who remained all the time on his legs, begged the noble duke's pardon, and assured his grace, that he had not the least intention of giving him any offence; but as a peer, he thought it his duty to rise and acquaint

their lordships of the perilous* situation one of their own members stood in at that instant, he meant lord Boston, whom the mob had dragged out of his coach, and were most cruelly mal-treating. He hoped the noble duke would thank him for the interruption he had given him, for probably the life of the noble lord would be endangered, if not speedily assisted. This immediately excited the attention of their lordships, and a mixed conversation ensued upon it, between the duke of Richmond, and lords Shelburne, Hillsborough, Mansfield, Bathurst, Townshend, and others. Lord Townshend offered to be one that would go in a body and use his endeavours to rescue his lordship. The duke of Richmond did the same, but said, if they went as a House, the mace ought to be carried before the learned lord on the woolsack, who should go at their head. Lord Mansfield expressed his readiness if their lordships thought it proper. Just at this moment lord Boston obtained an entrance, and came into the House with his hair all dishevelled, and his clothes almost covered with powder, occasioned by the rude treatment he had experienced from the mob.

The Duke of Gloucester seemed to disapprove of the Speaker and the mace going down, as besides the possible danger to the person of the noble lord who presided on the woolsack, very probably the mob were so outrageous, that they would pay no more respect to the mace, than to such of their lordships as they had ill-used. He was of opinion, that it would not be proper for the House or Speaker to go down; but he recommended immediately to send for the aid of the civil magistrate. He understood there was one near at hand; for it was not many minutes since, he imagined he had seen Mr. Wright.

The Earl of Shelburne rose, and with great warmth said, he had sat patiently,

expecting to hear some of the ministers rise and give an account of what steps had been taken to guard against such a tumult, for that they must have expected it, as the advertisement, calling the people without doors together, had appeared in several of the news-papers a day or two before. Ministers had themselves to thank for the present tumults; the whole discontent which prevailed about Popery, arose from their conduct in Scotland, from lord Weymouth's extraordinary letter to that kingdom. Ministers ought to give some account of their conduct on the occasion. Had they convened the civil power, had they ordered the justices to be out? They were ready enough to call out the military, when the inhabitants of Westminster were assembled in Westminster-hall on the 6th of April, for the purpose of debating on political topics, and for the purpose of discussing what referred to their own rights and privileges. Why had ministry done so much more than their duty then, and so much less now, when the avenues of the House were beset, and their own members insulted and prevented from doing their duty?

The Earl of Hillsborough said, if a question was put to him with temper, he was ready to answer it with temper. That he could assure the House, orders were sent to the magistrates of Westminster, warning them of the mob of this day, and directing them to be in the way, to quell any tumults that might take place.

The lords on the opposition side of the House called out, "when, when?" and lord Ravensworth among the rest.

The Earl of Hillsborough said, "yesterday," and if the noble lord wished to know, he would endeavour to obtain him the exact hour and minute.

Lord Ravensworth took offence at this, and said his hours and minutes were almost gone, but that the reason why he had asked the question was, because ministers ought to have taken proper steps before yesterday. The advertisement for the people to assemble in such large bodies, in which the name of lord George Gordon had appeared, was published some days ago, and ought to have been immediately proceeded upon. His lordship said, if he had the honour of serving his Majesty in any high office, which he thanked God he had not, he should have been ashamed of himself, to have let that advertisement pass unnoticed.

Additional information of the increasing

* At this instant, it is hardly possible to conceive a more grotesque appearance than the House exhibited. Some of their lordships with their hair about their shoulders; others smutted with dirt; most of them as pale as the ghost in Hamlet, and all of them standing up, in their several places, and speaking at the same instant. One lord proposing to send for the guards; another for the justices or civil magistrates; many crying out, Adjourn, adjourn! while the skies resounded with the huzzas, shoutings, or hootings and hissings in the Palace-yard. This scene of unprecedented alarm continued for about half an hour.

riot at the door arriving, lord Denbigh said, the civil power ought to be ordered to exert their utmost, and if they failed, and were unequal to the task, the military ought to be called out and put under the authority of the civil power.

The Earl of *Shelburne* said, No, by no means call out the military. I ever will resist and prevent such a matter if possible. The noble lord and his friends, who ordered them to be ready on the 6th of April, so unnecessarily, may be fond of it, but I will, on all occasions, oppose such a proposition.

After a desultory conversation, lord Mansfield having given orders to the Black Rod to send for Mr. Wright, that gentleman, attended by sir Francis Molyneux, appeared at the bar, accompanied by another magistrate, and being examined by their lordships whether they had received any orders to be ready, and why the civil power was not assembled? They both replied, they had neither received or heard of any such order. Mr. Wright further declared, that he was coming down voluntarily, to see if there was any likelihood of a disturbance, or any occasion for constables, when he was met by a messenger from sir Francis Molyneux, who had sent for him to come directly. Mr. Wright said further, that he had endeavoured since he had been down, to collect all the constables he could; that, as yet, he had not been able to get more than six constables together, who were now waiting at the Guildhall till more could be fetched, as it was in vain to expect to do any good in dispersing or quieting so very large and tumultuous a mob as were in the streets with so small a number of constables.

Lord *Mansfield*, by order of the House, directed Mr. Wright and the other justice, to go directly and try, by every possible force they could collect, to disperse the mob.

The Duke of *Richmond* said it would be impossible for him to go on with his motion, he should therefore move that their lordships adjourn, and meet again tomorrow.

Lord *Mansfield* said, he had just better state generally the tendency of his Bill.

The Duke of *Richmond* said, he would do so in three words. He then told the House, that the intention of the Bill was to restore annual parliaments, to procure a more equal representation, and to regulate the election of the Scotch peers.

Lord *Le Despenser* said, he had ever

been an advocate for annual parliaments, but that unless the burgage tenures were removed, the going back to the former would be doing things by halves.

The Duke of *Richmond* said, he meant to abolish burgage tenures, and the rotten boroughs altogether, though he was aware in that case it became a question of property.

Lord *Stormont* said, as a momentary silence might imply doubt at least, if not assent, he thought it right in that early stage, to oppose the noble duke's Bill, because he disliked the principle of it, as tending to introduce an alteration in the constitution of parliament, of too great and important a nature to be agreed to in times like the present.

The House adjourned at nine o'clock. The House gradually thinned, most of the lords having either retired to the coffee-houses, or gone off in hackney carriages, while others walked home under the favour of the dusk of the evening. But the most remarkable circumstance was, that lord Mansfield, in the 76th year of his age, was left alone and unprotected, but by the officers of the House and his own servants.

June 3. Earl *Bathurst* (Lord President of the Council) called the attention of the House to the great fall from dignity, which their lordships had suffered the preceding day, in consequence of the gross insults and violence offered to many of their lordships' persons, by the riotous and unruly mob, which had assembled in the streets, and not only interrupted the members of that House in their way to it, and thereby prevented many of them from coming to do their duty there, but had obliged others, when the business of the House was over for the day, to steal away like guilty persons, in order to save themselves from being sacrificed to the fury of a lawless and misled rabble. Their lordships had witnessed the insults and ill treatment offered to the persons of several of their members, but still greater violences had been offered to others: in particular, a right reverend prelate (the bishop of Lincoln) had been stopped in the street, he had been forced out of his coach, the wheels of which were taken off, and in order to save him from the danger that threatened him, a gentleman, who lived in the neighbourhood, received him into the house. The mob, not contented with the insults that they had already offered the reverend prelate alluded to, had broke

into Mr. Atkinson's house, where he had taken refuge, and had deputed thirty of their own body to search every room in the house for his person, being determined to have possession of him, if they any way could. Luckily the reverend prelate, by changing his clothes, and getting over a wall, and so obtaining a passage through the neighbouring houses, made his escape, but undoubtedly at the peril of his life. This certainly was not to be attributed to religious motives, neither was it to be defended on the ground of aversion to Popery, which was said to be the sole cause of the people assembling in such large numbers; it was a daring violation of law and of the peace of the city of Westminster, which called loudly for the most serious and immediate interposition of parliament. Before their lordships, therefore, proceeded to any other business, it behoved them to do something for the recovery of their dignity, a measure which they could not hope to attain, without taking some effectual step towards bringing those who caused the mob of Friday, as well as those who were most active in the lawless proceedings of that day, to condign punishment. Another reason why the House ought instantly to act in that manner, was the insult and injury done to two of the foreign ministers' chapels, one of which was not only stripped of all its contents, and those contents burnt in the street, but was itself set on fire and demolished; another was treated in a like way in the first instance, and would have shared the same fate in the second, but for the timely interposition of those who were sent for its protection. If something therefore, was not instantly done, to show the strong disapprobation of those insults and violences which the House felt, and at the same time to prove, that their lordships were determined to punish the people who were the authors of them, all the world would believe that the representatives of foreign powers could not reside with safety in this country, and that it was not in the power of government to protect either the persons, or the property of foreign ambassadors from insult and injury. His lordship said surmises, and indeed something more than surmises, had gone abroad that other riots, and other mobs were intended; but government having had timely intimation of such designs, had, he trusted, taken effectual means for preventing their being carried into execution. His lordship concluded

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with moving, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give immediate directions for prosecuting in the most effectual manner, the authors, abettors, and instruments, of the outrages committed yesterday in Old Palace Yard, Guildhall, Westminster, and places adjacent, and upon the houses and chapels of several of the ministers from foreign states."

The Duke of *Richmond* said, he had no intention to oppose the motion, he thought it was exceedingly proper, and was very glad to find that his Majesty's ministers had recovered from their panic, and had at last come to a proper sense of their duty. The preceding day they had either through fear, or some other motive neglected it most reprehensibly, and the two Secretaries of State, and the Lord President of the Council, had sat there, witnesses of the insults and violences done to the persons of several of their lordships, without offering to take any one step to put a stop to them; nay, when the mob were so outrageous that the business of the House could not go on, they had been obliged to get the noble lord near him to make a motion that the magistrates of Westminster might be called to the bar; the noble lord near him, they were conscious, had more popularity than themselves, and therefore, however proper to be made, they were afraid to make the motion themselves, and had got him to make it. What had been the result of it, their lordships but too well knew; the justices who came to the bar, had told ministry to their faces that they had no orders to attend, and that government, though the riot that took place was so much to be expected from the appearance of the advertisement in the newspapers two days since, had taken no step whatever to prevent it. His grace repeated that the cause of the disturbances and discontents had originated in government itself, and that the whole of Friday's business, notwithstanding what had fallen from the noble lord at the head of the council the preceding day, of his not having heard among the thousand reasons assigned by the mob in the streets, one word about the Quebec Bill; was ascribable to the Quebec Bill, and to that alone. The noble lord had now made a very proper motion, and he was as ready to give due praise to ministers when their conduct deserved praise, as he was determined to reprobate and mark their conduct, when it merited censure: he hoped, however, that

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the noble lord's motion was intended to be a practical measure, and not to end in theory; but that proper steps would be taken to render it effectual. His grace observed, that in the course of his speech the noble lord had dropped an expression which required an explanation. The noble lord had talked of surmises, and more than surmises, of other mobs and other riots. He begged to know what the noble lord meant, and he thought he was bound to explain himself, because if the words were suffered to remain unexplained, they would go forth to the world, liable to very strange interpretation.

Earl Bathurst said, he was obliged to the noble duke for calling on him for an explanation, and that he should at all times be ready to explain every thing that fell from him in that House, because he liked speaking out upon every subject, and was an enemy to insinuations of all sorts. When he mentioned the surmises of other riots which had reached government, he meant to allude to intelligence that could be relied on, which had been given government, of an intention to make a mob of the opposite side that evening, for the purpose of retaliation; having this timely notice of such a design, government, he hoped, had taken effectual means to prevent it, and he flattered himself peace and quiet would continue. With regard to what the noble duke had said, relative to no orders having been given by government to prevent the mob, and the outrages of the preceding day, he did assure the noble duke he was mistaken; orders had been given on Thursday, and he could with great confidence assert it, because he spoke upon the authority of the person who carried and delivered those orders to the magistrates, and he was extremely sorry to say, that notwithstanding what the justice of peace, Mr. Wright, had said at their lordships' bar the day before, that gentleman was acquainted with those orders having been sent, and had been at a house on Friday morning, and in company where he must have heard of them. As to the noble duke's fears, that the motion would be suffered to remain the sole measure to be taken, and would not be followed up, they were totally groundless; indictments were already drawing, for there were several persons apprehended in the fact of destroying the Sardinian ambassador's chapel, in custody, and those indictments would be preferred to the grand jury next Wednesday, and if found, as he had no

doubt they would be, the persons accused in them, would be brought to their trials the very first leisure day that the court of King's-bench should have to hear them.

The Duke of *Richmond* thanked the noble lord for his explanation, which he said was extremely necessary, as without it, people without doors might be induced to imagine a very different matter, from what now appeared to be the state of the case. He commended government for their care in taking proper steps to prevent another riot, and warmly reprobated the conduct of any magistrate, who should dare to impose upon that House, by asserting a falsehood at their bar. Such a magistrate, he declared, ought not to remain an hour in the commission, [the Lord President said, across the House, "I think not."] and the House, he thought, should proceed immediately to inquire into the matter. With regard to the mob, his grace said, it was not an English, but a Scotch mob, a mob headed by a Scotchman, and grounded upon the riotous proceedings, and the success of those proceedings, which had taken place on the same occasion, and respecting which, government had acted so very extraordinary, so very indefensible a part, that it gave fresh ground for asserting that the tumults of the preceding day originated with government. Besides, what was he to think of the private wishes of those ministers, who could sit silent, and take no one step to prevent the mob from robbing, and personally ill-treating the members of that House, and the members of the other? What was he to think of the conduct of the other House, who sat inactive, while the gentleman, who had abetted the present discontents, and caused the mob to rise, in order to force a measure on the House of Commons, was sitting among them, and rising every minute to run to the door, and acquaint the people in the lobby, with blue cockades in their hats, what each member said, by that means marking out and devoting particular members for destruction? Was such conduct to be borne, and what would the world think of an administration, who were either so timid, or so negligent, as to put up with it, or suffer it even for a moment? He hoped therefore, that in the prosecution of the very proper measure, which the noble and learned lord had just proposed, government would act firmly, and not content itself with wreaking vengeance on the poor misled people, who were the

instruments of the mischief, and who were many of them stimulated by a zeal for the Protestant religion, which they were taught to believe was in danger, but would trace the evil to its source, and draw forth the principal movers of the riot, let their rank be what it might, to exemplary punishment. His grace again asserted, that the Quebec Act was the real source of the discontents, and not the repeal of the Acts relative to Popery; the repealing Act merely gave toleration in matters of conscience to the Roman Catholics, and was in fact, an innocent, nay a laudable measure, but there was an essential difference between religious toleration and the establishment of a religion; the Quebec Act absolutely established the Popish religion in Canada, by sending a Popish bishop there, and allowing every part of the exercise of that dangerous and intolerant religion. His grace therefore, in the moment that he recommended a firm and resolute prosecution of the rioters, advised administration to take advantage of the present moment, to draw good out of evil, and to gain a little well earned popularity by accompanying their due performance of the calls of justice, with a measure in favour of the proper and praise-worthy prejudices of the people. He advised them to take this opportunity of repealing the Quebec Act, thereby shewing in one point of view, that they could be firm where they ought, and concede where they ought; thus by holding up the features of noblemindedness in the most striking light, he said, they could not fail of gaining general applause.

The Earl of *Shelburne* reprehended ministers severely, for not having taken effectual measures to prevent the riots of the preceding day, which he said they might thank themselves for, because most clearly the whole was but a feeble continuation of the riots in Scotland upon the same subject. The mob here had copied the mob there, but they had been less violent and less excessive. Here a member of parliament, a gentleman of a noble and distinguished family, had summoned the people together by public advertisement, printed in the newspapers, some days previous to the day on which the mob met. Government ought immediately to have taken notice of that advertisement, and to have made a remedy, which was all that could now be applied, unnecessary, by preventing the mischiefs that threatened, from taking place. In Scotland the advertise-

ments for the mob to assemble, and resist the Act for repealing the former Acts against the Roman Catholics, had been more in number, and had appeared earlier, and with greater authority. He was much mistaken, if the magistrates of Edinburgh had not themselves convened the people and made a part of the mob, and the most active part. What had been the consequence? Government, instead of punishing the magistrates, instead of holding up to the misled populace an example which would teach them in future to avoid a matter of such great danger, for a matter of great danger it ought always to be, as opposing the laws, or rising in opposition to any measure which the wisdom of the legislature chose to adopt, had not dared to hurt a hair of the rioters' heads; they had not dared to institute an inquiry, but had fallen in with the prejudices of Scotland, and had accommodated matters; they had done more, they had promised all that the zeal and enthusiasm of an enraged mob had prompted them to demand. This was the source of the present mischief. Here it was that the public were to look for all the riots that had happened, and all the riots that would happen, in opposition to Popery. With regard to the late Act repealing certain points of severity, which had been established by former Acts, in times when matters with regard to Popery stood widely different from their present situation, it was an innocent Act, provided that government had done its duty, and used that vigilance and attention, which it was at all times their duty to shew towards the conduct of the Roman Catholics, but more especially when from having granted them some indulgencies, it was natural to expect that the professors of a religion which taught them eagerly to seek for, and lay hold of every opportunity of extending its influence, would either generally or in some instances abuse those indulgencies, and overleap the bounds which the repealing Act had left, as limits to the exercise of the Roman Catholic religion in this kingdom. His lordship observed, that he was the better warranted to say this, because when he was himself in office, he had always thought the progress of Popery within the realm, a matter deserving his most vigilant attention, and had on every occasion used the authority of his situation, in preventing every illegal attempt to extend it beyond the bounds which the legislature has prescribed. He remembered parti-

cularly, that when he was secretary of state, intelligence was brought him that a noble duke, one of the first nobility in the kingdom, had not only built a new chapel for the exercise of that religion which he professed, but had instituted a kind of academy or seminary for the education of young persons; the moment he heard of it, he did not adopt the modern custom of letting matters proceed till they ripened into mischief, he did not wait till the cause produced its effect; he struck at the cause immediately, he applied to the duke, he told him what his duty as Secretary of State obliged him to do, and gave him notice that if the seminary was not put an end to, he must interpose his authority; the noble duke acted in the affair as became him, and the consequence was, the seminary was abolished instantly and no more heard of. In a late instance, likewise, he had been applied to, and told that a meeting to discuss religious matters had been instituted at Coachmaker's-hall, where such topics were agitated, as gave him reason to see the seeds of great popular tumult and disorder would be sown, if government were not apprised of it, and did not take effectual measures to put a stop to it. Had he been the enemy of government which administration and its creatures had endeavoured to make the public believe he was, he should have laughed at the information, have told the person that brought it to him, "Oh, it is a foolish matter, too ridiculous to merit attention; don't mind it, it will come to no mischievous end, it is perfectly harmless!" Instead of treating it in this light manner, he had done his duty, and seeing most clearly that mischief was at the bottom of it, that it contained the seeds of serious danger, his answer to the informant had been this, "Go to government, apprise them as fully as you have apprised me of the circumstances, don't conceal a tittle of what you have said, and they can't but see their danger, and will, I make no doubt, take the proper measures for preventing it." Did this look like enmity? Did it wear the face, had it a single feature of personal rancour? Having acted in this manner, he thought he felt himself warranted to give government some advice now, and to expect that his advice should be attended to.

In comparing the events of yesterday, and the declaration of the justice of peace at their lordships' bar, with what had fallen from the noble lord at the head of the

council, it must be evident to every one of their lordships that the police of Westminster was an imperfect, inadequate, and wretched system; that the commission of the peace was filled by men, base to the last degree, and capable of every mean act, derogatory and opposite to the justice of the laws, which their office obliged them to administer with truth, equity, and wisdom. The miserableness of the Westminster police was so obvious, that the example of yesterday pointed it out as the fit object of reformation, and shewed most forcibly that it ought to be entirely new modelled, and that immediately. Let their lordships, at least those of them who were in administration, recollect what the police of France was; let them examine its good, and not be blind to its evil. They would find its construction excellent, its use and direction abominable. Let them embrace the one and shun the other. The police of France was wise to the last degree in its institution, but being perverted in its use, its very merit became its mischief. Instead of applying it to the general benefit of the kingdom, the ministers of France had applied it to the particular political purposes of themselves; they had perverted it into an *espionage*, a word, which he thanked God, would not yet admit of an English interpretation; they had made it a system of spies, employed to watch the private dinners of individuals, to pry into their family concerns, to hunt out their secrets, and to render the life of every denomination of the subjects, a life of terror and a life of danger. This mischievous application of it so totally destroyed its use, that it became ineffectual in all the great points, which alone had been the objects of its establishment. He recollected perfectly well, that when a rising happened a few years ago in France, about the increased price of corn, the police having been so grossly perverted, and having from that reason grown into universal disrepute and unpopularity, attempted to interfere in vain; it was of no effect at all, the people laughed at it, and disregarded it universally. He cautioned ministers therefore about the mode of their establishing a new police in Westminster; if they imitated the French plan according to the original design of the French, it would be wise; if government took upon themselves the appointment of the magistrates, their views would be suspected, and particularly if they kept in their own hand the nomination of the per-

sons, their power of abusing the institution as the French ministers had abused it, would excite jealousy and create disgust. Let the appointment of magistrates be elective; let the people have a power to vote for them and chuse them by their suffrages, the election would then be pure, no jealousy of government could prevail, and the end of such a police would be most fully answered. Perhaps it might not be unworthy the attention of those in power, to consider for a moment the police of the city of London, a police abundantly better regulated and more effectual than that of Westminster. The city was divided into wards, and subdivided into parishes, each of which, both in the division and subdivision, had its separate police so constituted, as to make a part of the whole police of the city. Might it not be worth the while of government to copy the example, and make Westminster a corporation as London was? The project was not difficult, and all the danger of altering the police lay entirely with government. If they perverted the alteration to an extension of influence, they would do harm, and increase the mischiefs of the present system of police; if they avoided assuming fresh power, and left the people at liberty to elect for their magistrates, those whose character, ability, and independence, serve to point them out as proper in their eyes to fill the office of magistrates, they would act wisely, and would find by the effort, that they had done what was right, and that they had instituted a police, answering every good and desirable end, both public and private.

Having, with his usual ability, opened this idea of instituting a new police, his lordship proceeded to animadvert on the intentions of government, with regard to prosecuting the rioters, and said, that if they confined themselves merely to wreaking vengeance on the poor deluded people who had assembled in the streets, they would act like unskilful surgeons, who idly imagine themselves perfect masters of their art, because they possessed all those instruments that the invention and science of skilful men had discovered to be useful, but which the experienced surgeon never handled, except in cases of the utmost necessity, whereas the unskilful practitioner no sooner found a case at his disposal, than he had recourse to the cutting knife, he tore open the wound, he made what was bad worse, and instead of stop-

ping the mischief where it was, he contrived, by his injudicious treatment, to extend it, and make it more general, and more difficult of cure. He declared further, that the people who had assembled, were objects rather of pity than resentment; that he had passed them with safety both in coming to and going from the House, and had listened to what they said. Their chief argument was, "No Popery! we shall be burnt; no more bonfires in Smithfield, let us have the Protestant religion, and let us have peace!" He added, that he looked in the faces of those who uttered these sentiments, and he saw evident marks of sincerity in their countenances; he saw that the people, from what motives he would not undertake to say, believed what they said, and acted from that conviction. It behoved government, therefore, to conduct themselves with prudence, to distinguish between the efforts of religious opinion, however ill-directed, however erroneous, and the violence of ill-intentioned men. Let them not madly have recourse to the cutting knife; having the law in their power, and at their will, let them use it with caution, and, at any rate, accompany it with such other measures as would shew a liberality of sentiment and an equal readiness to enforce the claims of justice, and to do what was right in compliance with the wishes and petitions of the people. Prosecution, however rigorous, however certain of effect, singly, would do more harm than good; accompanied with other measures, it would prove equally wise and effectual. There were three subjects under discussion, each easy to be embraced—The punishment of the rioters, the repeal of the Quebec Act, and the regulation of the police of Westminster. Take them up together, and there could be no doubt of producing all that sober, considerate politicians could wish for under the present circumstances!

The Duke of *Manchester* said, he was not in the House when the noble lord at the head of the council opened the debate; he wished therefore to have some little explanation of the wording of the motion. The term "outrages" was very extensive, he should be glad therefore to know what sort of facts government designed to take notice of, and what those indictments were, which the noble lord had talked of. Were the poor deluded people, who halloed out in the streets, "No Popery," to be prosecuted on indictments for capital felony, or in what

manner were they to be proceeded against?

Earl *Bathurst* said, he would readily satisfy the noble duke; that these persons who were apprehended in the Sardinian ambassador's chapel, in Duke-street, Lincoln's Inn-fields, in the very act of setting fire to the wainscot and such parts of it as they could not remove into the street, being apprehended in the fact of committing capital felony, would be proceeded against accordingly: and others, just as, upon the examination of witnesses, and as the evidence went, it should appear proper, but that it was not the intention of government to prosecute those, who wearing blue cockades, had merely joined or made a part of the mob, and called out "No Popery, &c.:" that it would be beneath the dignity of government to institute any such prosecutions, and he most certainly, for one, should have advised to the contrary, had any person in the council hinted at such an idea.

The Duke of *Manchester* declared no one of their lordships was more an enemy to such licentious proceedings as those of the day before, than he was; he only wished that government might act with that caution which ought to govern every judicial proceeding, and not give occasion for any suspicion, that they had been under the influence of dastardness during the riot, and that, now the danger was over, they were actuated with a rage for revenge.

The Marquis of *Rockingham* supported the motion, but severely reprehended the inattention of ministers, who, having had the advertisement of lord George Gordon before their eyes, for some days, did not take effectual means for preventing the assembling of such a mob, as had insulted their lordships, and done so much mischief to the chapels of the foreign ambassadors. The marquis said, every wise statesman always preferred a preventive to a remedy, and that the chief use of the authority office gave, was to intervene in great cases, and forerun mischief. That when he was in office, it happened that while he was in the country, intelligence was brought him that a bellman of a neighbouring village had delivered hand-bills about for a considerable extent of country, summoning all persons residing in that district, to meet on an appointed day in the market place at Pontefract, in order to prevent by force the price of corn from being raised. This intelligence

was no sooner given him, than he rode 17 miles from Wentworth to a justice of peace who lived near the bellman, and directed him immediately to issue his warrant for apprehending the bellman, and if it should appear on his examination that he had delivered any such hand-bills, to commit him to York-castle. The justice, the marquis said, took his advice, and there was no mob; for the moment they heard that the bellman, who had summoned them together, was in York-castle, they were afraid of being sent there likewise, and therefore never went to Pontefract. The same sort of conduct ought to have obtained in this case. Lord George Gordon should have been proceeded against, and his loud-tongued followers would have been appalled. As a noble friend of his had stated, what he had heard the mob say, he would do the same, he had heard them call out "No Popery," and clapping his hands to his watch to secure it, he had felt several hands directed to it; it was pretty obvious therefore what some of the mob came for. His lordship did not approve of immediately repealing the Quebec act, because he thought that Canada might not be in our hands at the time that intelligence might arrive in Canada of the repeal of it: another session it would be right to proceed upon it. [The duke of Richmond here shook his head, and said, "by all means repeal it immediately."] The marquis declared, if it were possible to repeal it now, he certainly had no objection, but he thought it more wise to proceed immediately to other points. He reprobated in most decisive terms the willingness of ministers to call out the military, and said, when he was minister he always opposed it. That the justices in Yorkshire were repeatedly writing to him to that end, but that he used one general argument to dissuade them from such a measure, and after a little time, he found no great difficulty in putting an end to any farther application on the subject. He commended the motion, but advised moderation in the use of the means government had in their power,

The Duke of *Richmond* and other lords having said a great deal relative to Mr. Wright's declaration at the bar, and his grace having observed, that in justice to that gentleman, it would be right to send for him, and hear what he had to say in his defence,

The Earl of *Pembroke* (who had been

beckoned to the bar by a person present at the debate, and informed that Mr. Wright was a gentleman of great honour and integrity, and that he would be as much above the meanness of stating a falsehood, as any one of their lordships, and having been further told, that shocked at what had been said about him, the person had sent for him, and that Mr. Wright was then attending at the King's-arms tavern, expecting to be called) rose, and stated to their lordships, that he had been credibly told Mr. Wright was attending, and that there were two Mr. Wrights in the commission.

The Duke of *Northumberland* immediately informed the House, that there must, he apprehended, be some mistake, for that Mr. Wright, who had been examined the preceding day, was a very respectable and worthy magistrate, who had on every occasion, during the time of his being in the commission, in which he had been for many years, done great credit to himself, and essential service to the city of Westminster. His grace then went into an examination of the office of a justice of peace for the city of Westminster, and shewed that it was an exceeding troublesome office; and that those who executed it, got very little thanks for their pains. That, for this reason, it was impossible to persuade gentlemen of family and fortune to undertake it, and that, notwithstanding the popular prejudices to the contrary, if the House would give themselves the trouble to enquire into the characters of many of the gentlemen now in the commission for Westminster, they would find the greatest part of them very liberal minded, honest, worthy men; that every pains had been taken by him as *custos rotulorum* for Middlesex, and by the gentlemen of the commission themselves, to extirpate and keep out of it, all doubtful characters and every individual who could stoop to dirty practices. His grace described the establishment and regulations of the different public offices in Westminster, and particularly shewed that the office in Litchfield-street was constituted on the most liberal plan. That the gentlemen who sat there, acted without fee or reward to themselves, and that the receipts upon warrants, &c. were appropriated solely to the discharge of the rent of the house in which the office was held, and that the magistrates who attended there, never put a shilling of the general receipt into their own pockets. His grace

also stated to the House that there were but about 76 constables in Westminster, and had they been all convened on the preceding day, they could not possibly have acted with any effect, against such a tremendous mob as were in the streets. His grace concluded with repeating his encomiums on Mr. Wright, and expressing a wish, that he might be sent for, and heard in his defence.

An order was immediately made for the attendance of Mr. Wright, and as the Lord President of the council had stated, that Mr. Chamberlayn, solicitor to the Treasury, was the person who carried the orders to the magistrates from the first lord of the Treasury, a messenger was at the same time dispatched to him, that he and Mr. Wright might be confronted and heard at the bar together.

The motion was then agreed to *nem. dis.*

Mr. Wright and Mr. Chamberlayn were then called to the bar, when the latter stated very distinctly the whole transaction from the moment of his having received orders from lord North to prepare the magistracy, and instruct them to have the civil power in readiness to prevent any riot, on the preceding day to that hour. Mr. Wright also gave a clear account of his conduct, and proved beyond contradiction, that he had not heard of any orders from lord North, and that his visitation of Westminster on Friday as a magistrate, arose rather from his own wishes to preserve the peace, than from any instructions either from lord North, or any other quarter. The two gentlemen were dismissed from the bar, having acquitted themselves respectively to the entire satisfaction of their lordships.

The Duke of Richmond presents his Bill for Annual Parliaments, &c.] The order of the day being read,

The Duke of *Richmond* presented to the House a Bill intituled "An Act for declaring and restoring the natural, unalienable and equal right of all the Commons of Great Britain (infants, persons of insane mind and criminals incapacitated by law only excepted) to vote in the election of their representatives in parliament; for regulating the mode and manner of such elections; for restoring annual parliaments, for giving an hereditary seat to the sixteen peers which shall be elected for Scotland, and for establishing more equitable regulations concerning the peerage of Scotland." He said that as it was

growing late, he would be as concise as possible in explaining to their lordships the plan of reformation which he had that day intended to submit to their consideration. The boroughs in this country, he said, were, according to their present constitutions, dangerous to liberty, and the great engine in the hands of ministers to enforce measures the most opposite to the real interests of the state. They were the very sink of corruption; corrupt themselves, they enabled the ministry to corrupt others, and to buy and sell the dignity and honour of the nation. Some of these boroughs, which might perhaps have been formerly considerable, were now so sunk, that scarcely the traces of a house could be found in them. In one borough in particular, Midhurst, he had often remarked several stones marked 1, 2, 3, 4, &c. in the park wall of a noble lord then in his eye (lord Montague); having asked what was the meaning of them, he had been told that they were votes! and returned members to parliament. He immediately perceived that they were very valuable stones, and that the noble lord would not part with them for a great deal of money.—The right of election was taken from all the males of the community, in whom it ought naturally to rest; and was placed in the hands of a very small number indeed. Thus, not more than 6,000 men returned a clear majority of members to the House of Commons. The number of males in England and Wales he computed at 1,625,000, and yet the right of voting was confined to 210,000. This surely, he insisted, called loudly for reformation.—His grace spoke of the constitution of this country in the most rapturous expressions of admiration and delight. He explained what the parliament could do; what it could not do; and at last came to open his plan of reformation. He drew a Bill from his pocket, which contained his plan, and which it took him an hour and a half to read: the following were the heads: “The parliament in future to last but one year—the number of members to continue as at present, at 558.—Every man born a subject of Great Britain to be entitled to a vote at the age of 21 years.—A list to be taken in every parish of the number of men of that description, and returns to be made of them to the Lord Chancellor.—The numbers to be tolled up, and divided by 558; and then the quotient to be the number by which one member of

parliament is to be elected. Every county to be divided into as many districts as they contain quotients of this nature, and these districts to be called boroughs.—The sixteen peers of Scotland to have the representation of the Scots peerage hereditary in their families; the other peers of Scotland to be made capable of being created peers of England, and their eldest sons to be eligible to seats in parliament for boroughs in Scotland.” There were a number of regulations contained in the Bill; and after his grace had read the whole, he moved for leave to bring it in.

Lord *Stormont*, after paying many compliments to the noble duke, for the great political and constitutional knowledge he had displayed both in his speech and Bill, expressed his disapprobation of the reformation he intended to effect. His grace, he said, had spoken with the highest encomiums of the constitution: and it deserved all he had said of it: an old friend both of his grace and his, the president de Montesquieu, had said of the British constitution, that it surpassed all that had ever been thought of by the wisest philosophers in the wisest times. We know what it is now, observed his lordship, but shall we be able to say what it may be, if we attempt reforms? The noble duke, he said, wishes to restore to all the subjects a right of voting, but is he sure they ever were in possession of it? Those persons who extended the right of voting for the principal magistrates in Rome to all the subjects of the empire, were actuated by views, of which, in my honour and my conscience, I acquit the noble duke; they were desirous to raise their fortune on their country's ruin. For these and other reasons, he opposed the Bill.

The Duke of *Richmond* replied, and expressed a desire that his Bill might be read once, that it might be inserted in the Journals; and then he said he would consent to withdraw it. The Bill was accordingly brought up and read; but as it was then the Bill of the House, and consequently as it was out of his grace's power to withdraw it, lord *Stormont* moved that it should be rejected; and it was thrown out without a division.

On the 6th, their lordships adjourned to the 19th.

The King's Speech to both Houses respecting the Riots.] June 19. His Majesty made the following Speech to both Houses:

"My Lords and Gentlemen;

"The outrages committed by bands of lawless and desperate men, in various parts of this metropolis, broke forth with such violence into acts of felony and treason, had so far overborne all civil authority, and threatened so directly the immediate subversion of all legal power, the destruction of all property, and the confusion of every order in the state, that I found myself obliged, by every tie of duty and affection to my people, to suppress, in every part, those rebellious insurrections, and to provide for the public safety, by the most effectual and immediate application of the force entrusted to me by parliament.

"I have directed copies of the proclamations issued upon that occasion, to be laid before you.

"Proper orders have been given for bringing the authors and abettors of these insurrections, and the perpetrators of such criminal acts, to speedy trial, and to such condign punishment as the laws of their country prescribe, and as the vindication of public justice demands.

"Though I trust it is not necessary, yet I think it right at this time, to renew to you my solemn assurances, that I have no other object but to make the laws of the realm, and the principles of our excellent constitution, in church and state, the rule and measure of my conduct; and that I shall ever consider it as the first duty of my station, and the chief glory of my reign, to maintain and preserve the established religion of my kingdoms, and, as far as in me lies, to secure and to perpetuate the rights and liberties of my people."

Debate in the Lords on the King's Speech respecting the Riots.] His Majesty having retired,

The Duke of *Dorset* rose to move an Address of Thanks to his Majesty for his gracious Speech from the throne. His grace prefaced this motion with a speech that equally deserved panegyric for the elegance in which it was couched, and the modesty with which it was delivered. He entered into a minute description of the disturbances with which the metropolis had been recently infested, and represented the measures that had been adopted for their suppression, as equally replete with policy, moderation, and humanity. After various compliments to his Majesty as the primary source of the present tranquillity and to his several ministers as the execu-

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tive agents of his wise and parental purposes, he concluded with moving the following Address:

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

"We feel the utmost abhorrence and detestation of the outrages committed in various parts of this metropolis by bands of desperate and abandoned men; outrages that broke forth with such violence into acts of felony and treason, and which threatening so directly the immediate subversion of all legal authority, the destruction of all property, and the confusion of every order in the state, called loudly for the speediest and most effectual application of the force entrusted to your Majesty by law.

"We beg leave to testify our warmest gratitude to your Majesty for your parental care and concern for the protection of your subjects, so manifest in the measures your wisdom directed in this urgent necessity, to suppress, in every part, these rebellious insurrections, and to provide for the general safety, by the restoration of public peace.

"We thank your Majesty for the communication you have been pleased to make to this House, of the proclamations issued in this alarming conjuncture.

"We learn with satisfaction that orders have been given for bringing the offenders to speedy trial, and to condign punishment as the law prescribes, and the vindication of public justice demands.

"Although the uniform tenor of your Majesty's conduct, rendered unnecessary the renewal of your gracious assurances to your parliament, yet the manner in which they are given raises in us the warmest emotions of gratitude, affection, and duty. Such a declaration of the just and wise principles that are the rule and measure of your Majesty's government, must endear your Majesty more and more to all your subjects, and meet with the fullest return of attachment, confidence, and zeal."

Lord *Dudley* seconded the Address.

The Duke of *Richmond* began with observing, that he was much pleased with the speech he heard that day from the throne, more so than he was with any he had heard for many years. If it did not come fully up to his ideas in every respect,

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it was in some particulars well entitled to his hearty approbation. The passages which he could not agree to, and which, if insisted upon by the noble duke, and those who might support his grace's motion, he would be obliged to divide the House upon, were the two first, where the Address acknowledges that the most immediate means of redress had been adopted in order to quell the public disturbances. Secondly, where it approves in general terms, of the whole tenor of his Majesty's government: he wished sincerely that those expressions were omitted or modified. He begged to observe besides, that the laws were suspended, and though he should agree to the Address, thus amended, he did expect that some one of his Majesty's ministers would rise and give their lordships an assurance, that the measures taken in order to suppress the riots, which were defensible only upon the ground of necessity, would be so stated, and that what was illegally done on the ground of necessity would be cured by an act of indemnity. He said, the letter from the noble lord at the head of the army to col. Twisleton, relative to disarming the citizens of London, ought to be made an object of parliamentary enquiry, and he expected the noble lord would be ready either to produce his authority for writing such a letter, or explain what he meant when he wrote it. It was founded in the law of nature for every man to arm himself in his own defence. It was the municipal, as well as the natural right of Englishmen in general, and the citizens of London in particular. He hoped, before he should agree to the Address, that ministers would give him satisfaction in another point; he meant in the continuing on foot a military government.

Lord *Amherst* acknowledged the letter to be genuine. He said, he thought it both improper and unsafe to trust arms in the hands of the people indiscriminately, or into the hands of a rabble, or a mob. His letter was only intended to prevent that, and such being his intention, he had nothing to regret upon the occasion, and was ready to abide the consequences.

The Duke of *Richmond* asked the noble lord if the inhabitants of London, for that was the expression used in the first paragraph of the noble lord's letter, were a mob? Or if they were not inhabitants, which was a general description, applying to men of every rank and description, did not the disapprobation expressed in that

letter imply a disapprobation of the inhabitants being permitted to carry arms? But did not the second paragraph go still farther? Did it not command, or authorise, col. Twisleton to take the arms from the citizens thus armed? Was not this disarming Englishmen, and with every possible aggravation of insult and injustice, wresting out of their hands their own actual property, and the means of defending their lives and fortunes? Here his grace, in proof of his argument, produced the letter, which was couched in the following terms:

“ Whitehall, June 12, 1780.

“ Sir; I received the favour of your letter of this date, on the subject of the inhabitants of the city being permitted to carry arms, and I cannot say more on the general subject than I mentioned in my letter to you of yesterday's date, which was a clear disapprobation of that part of the Lord Mayor's plan, which regards the arms. If, therefore, any arms are found in the hands of persons, except they are of the city militia, or are persons authorised by the King to be armed, you will please to order the arms to be delivered up to you, to be safely kept until further order. I am, &c. AMHERST.”

Earl *Bathurst* said, God forbid that any man should offer to deny or controvert the right of Protestant Englishmen to arm themselves, in defence of their own houses, or those of their neighbours; he doubted much whether that right could be maintained on the broad ground laid down by his grace. He was rather inclined to believe the contrary, for, in his opinion, there was a wide difference between marching out in martial array, and acting upon the defensive, to protect men's lives and properties; the latter was clearly justifiable; the former might lead to many dangerous consequences.

The Duke of *Richmond* said, he presumed his lordship had never read the letter, otherwise he must have seen, that the first paragraph expressed a clear disapprobation, not of trusting the people with arms, but of the Lord Mayor's plan, which plan proposed to arm all the inhabitants or housekeepers of every ward: it was impossible for words to convey any thing more clear and explicit. As to the legality of embodying and marching, or parading in martial array, he really did not well comprehend what the learned and noble lord meant. He believed a state of

defence included every thing necessary to render it effective; or if it did not, it amounted in fact to no defence at all.

Earl *Talbot* said, he did not consider the speech from the throne in the same light it was usually considered, the speech of the minister; he would consider it *bonâ fide* as the King's speech, and treat it as such: and he begged noble lords on each side of the House, if there was a second side of the House on the present occasion, to receive it as the speech of the King, and not as the speech of the minister. He believed most sincerely that it was his Majesty's speech.

The Duke of *Richmond* said he was extremely happy to have an opportunity of withdrawing his objections. He found the paper from which he had read the motion when he first spoke upon it, was erroneously worded. That he had then a correct copy of the motion in his hand, by which he found, that the words 'immediate relief' were applied solely to those cases in which immediate relief had been given, and that "his Majesty's constitutional government" was not mentioned in the motion, which only complimented his Majesty on "his constitutional conduct." His grace said, he had always distinguished between the personal acts of his Majesty and those of his ministers, and he was as ready to applaud the one, as he had, on a variety of occasions, shewn himself anxious to condemn and reprobate the other.

The Duke of *Manchester* said, he could not pass over in silence one expression in the Address; he meant that passage which stated, generally, the acts committed by the rioters, to have amounted to treason. Some particular acts of what were in themselves no more than felony, might be interpreted to amount to a levying war within the realm against the person of the King, when the offenders were totally ignorant of the crime they were committing in contemplation of law, and the punishment they might incur. Even such was the effect of constructive treason, that what the ingenuity of able and willing lawyers might stretch to be an act of treason, in one point of view, considered in another, would be considered no more than as a mere trespass, or trifling misdemeanor. He wished therefore, that the word 'treason' was omitted in the Address, as by standing there, it would have the appearance of prejudgment, and an intention to persecute. Indeed, that passage, as it

stood in the Address, might be employed in effecting the worst and most cruel purposes; whereas if omitted, such omission would not preclude the crown, or its officers, from setting on foot such species of prosecution, as should seem, upon future enquiry, to be applicable to the nature of the charges brought against the several offenders.

Lord *Mansfield* for some time argued, that the cause and proceedings of the late riots were formed upon a systematic plan to destroy the constitution and overturn the government: after which his lordship went on: My lords, I found it the more necessary to dwell upon these particulars; because the transactions I have recounted, relate as well to the danger this metropolis was in of being totally destroyed, as to the facts which lead to the observations I am now going to trouble you with, in point of law and obvious construction. It has been taken for granted, my lords, and I wish sincerely the task had fallen upon some other noble lord, that his Majesty, in the orders he gave respecting the riots, acted merely upon his prerogative, as being entrusted with the protection and preservation of the state, in cases arising from necessity, and not provided for in the ordinary contemplation and execution of law. This, I take it, is a point that ought to be fully explained. I take the case to be exactly the reverse, and that his Majesty, with the advice of his ministers, acted perfectly and strictly agreeable to law, and the principles of the constitution; and I will give you my reasons within as short a compass as possible. I have not consulted books;—Indeed, I have no books to consult!—but as well as my memory serves me, let us see, my lords, how the facts and the law stands, and reflect a light upon each other.

The noble duke who spoke last observes, that constructive treason is a dangerous thing; but constructive treason is here totally out of the question. The crime, as applied to the fact, is palpable and direct; pulling down all inclosures, demolishing all brothels or bawdy-houses, or chapels, making insurrections, in order to redress grievances, real or pretended, is levying war within the realm, and against the King, though they have no design against his person; because they invade his prerogative by attempting to do that by private authority which he by his office is bound to do; to lower the price of victuals contrary to law; to reform the law or re-

ligion of the state, &c. these, with all their several species, are deemed levying war within the realm, and of course against the King, because they all tend to usurp upon the power of the King, who is the acting representative of the whole legislature.

Besides those overt-acts of treason now recounted, the most or all of which the insurgents were guilty of, they were guilty of several acts of felony, such as burning private property, and demolishing private houses, and committing several acts of robbery and open violence.

Here, then, my lords, we shall find the true ground upon which his Majesty, by the advice of his ministers, I presume, proceeded. I do not pretend to speak from any previous knowledge or communication, for I never heard, was present, nor consulted upon the measures adopted by his Majesty's confidential servants; but it appears most clearly to me, that not only every man may legally interfere to suppress a riot, much more prevent acts of felony, treason, and rebellion, in his private capacity, but he is bound to do it as an act of duty; and if called upon by a magistrate, is punishable in case of refusal. What any single individual may lawfully do, so may any number assembled, for a lawful purpose; which the suppression of riots, tumults, and insurrections certainly is. It would be needless to endeavour to prove, that what a private man may undertake to perform may be performed by a magistrate, who is specially authorised by law for the purpose of keeping the peace. It is the peculiar business of all constables to apprehend rioters, and to endeavour to disperse all unlawful assemblies; to apprehend the persons so offending, and in case of resistance, to attack, wound, nay kill those who shall continue to resist. The very act of apprehending in arms the person, with every necessary power for the effectual performance of the duty prescribed by the law; and consequently every person acting in support of the law is justifiable respecting such acts as may arise in consequence of a faithful and proper discharge of the duties annexed to his office, if he does not abuse the power legally vested in him, which may in that case, according to the circumstances accompanying the transaction, degenerate into an illegal act, though professedly committed under the colour or pretext of law. These several positions I take to be incontrovertible. A

private man, if he sees a person committing an unlawful act, more particularly an act amounting to a violent breach of the peace, felony, or treason, may apprehend the offender, and in his attempt to apprehend him may use force to compel him, not to submit to him, but to the law. What a private man may do, a magistrate or peace officer may clearly undertake; and according to the necessity of the case, arising from the danger to be apprehended, any number of men assembled or called together for the purpose are justified to perform. This doctrine I take to be clear and indisputable, with all the possible consequences which can flow from it, and to be the true foundation for calling in of the military power to assist in quelling the late riots.

The persons who assisted in the suppression of those riots and tumults, in contemplation of law, are to be considered as mere private individuals, acting according to law, and upon any abuse of the legal power with which they were invested, are amenable to the laws of their country. For instance, supposing a soldier, or any other military person, who acted in the course of the late riots, had exceeded the powers with which he was invested, I have not a single doubt but he is liable to be tried and punished, not by martial law, but by the common and statute law of the realm; consequently, the false idea that we are living under a military government, or that the military have any more power, or other power, since the commencement of the riots, is the point which I rose to refute, and on that ground to remove those idle and ill-founded apprehensions, that any part of the laws or the constitution are either suspended or have been dispensed with.

I believe this great mistake has chiefly arisen from the general understanding of the 1st of Geo. the 1st, a law specially enacted for preventing riots in the first instance, and by consequences for preventing in the end felonious or treasonable insurrections. By that law it is provided, that if twelve persons or more, being unlawfully, riotously, and tumultuously assembled, to the public disturbance of the peace, and being required to disperse by any justice of the peace, sheriff, mayor, bailiff, &c. and within one hour after proclamation made to them to disperse, continue assembled, that all persons so refusing to disperse, shall be deemed felons without benefit of clergy. The act, namely, the

refusal to disperse within one hour after proclamation made, constitutes the felony, which, as soon as constituted, puts the offenders in the situation of all other felons, namely, to be apprehended by every possible means, and if taken and convicted, to suffer in common with other felons the pains of death.

After putting this matter in several points of view, his lordship proceeded: My lords, I have several strong reasons to incline me to believe, that the late riots originated from motives very different from those which have been avowed. They pointed their resentments towards several objects, which I do not think they looked upon to be just objects of their resentments, and against me among the rest. I can say, in the presence of all your lordships, that when the Bill came up from the other House, and afterwards in all its successive stages through this House, that I never opened my lips on the occasion, nor, as well as I can at this distance of time charge my memory, do I recollect that I was once present during its passage through this House. My principle of not wishing to disturb any man merely for conscience sake is pretty well known; and many of those who are supposed to have formed the late mobs are not ignorant of my general tolerating principles, when tolerating sectaries does not portend any mischief to the state. I have held these opinions respecting dissenters from the Established Church of all denominations; and the sect in particular who are usually called Methodists well know, that when attempts were repeatedly made to disturb them in the enjoyment of their religious worship, I have always discouraged them, as unworthy of the Protestant religion, the purity of whose doctrines, and not persecution, should be the only incentive to bring proselytes into her bosom. I was of the same opinion respecting the Roman Catholics; and though, as I observed before, I had no hand, directly or indirectly, in the law which has furnished a pretext for the late dangerous insurrections, I shall ever be of opinion that they, in common with the rest of his Majesty's subjects, should be allowed every possible indulgence consistent with the safety of the state.

On the whole, my lords, while I deprecate and sincerely lament the cause which rendered it indispensibly necessary to call out the military to assist in the suppression of the late disturbances, I am clearly of

opinion, that no steps have been taken which were not strictly legal, as well as fully justifiable in point of policy. Certainly the civil power, whether through native imbecility, through neglect, or the very formidable force they would have been obliged to contend with, were unequal to the task of suppressing the riots, and putting an end to the insurrection. The rabble had augmented their numbers by setting the felons at liberty. If the military had not been called in, none of your lordships can hesitate to agree with me, that within a very few hours the capital would have been in flames, and shortly reduced to an heap of rubbish. The King's prerogative is clearly out of the question. His Majesty and those who have advised him, have acted strictly conformable to law. The military have been called in, and very wisely called in, not as soldiers, but as citizens: no matter whether their coats be red or brown, they have been called in aid of the laws, not to subvert them, or overturn the constitution, but to preserve both.

The Address was agreed to *nem. diss.*

Earl Bathurst rose, and observed, that in the progress of the late riots, several gaols had been broken open, on which account, sheriffs, gaolers, &c. were liable to great inconveniencies in the ordinary operation of law. The persons who were thus become liable to heavy fines and grievous punishments, through no fault of theirs, were, in his opinion, become proper objects of parliamentary care and protection; to effect which, he should move, "That the Judges be directed to prepare a Bill to prevent any mischief or inconvenience that may arise to sheriffs, gaolers, suitors, prisoners, and others, by the prisoners in the several gaols of the counties of Middlesex and Surrey, the city of London, and other places, having been set at liberty during the late tumults and insurrections."—Agreed to.

The King's Answer to the Lords' Address.] To the Address of the Lords his Majesty returned this Answer:

"My Lords;

"I thank you heartily for this Address, so full of duty for me, and of zeal for your country. Your abhorrence of the rebellious insurrections, and your unanimous approbation of the measures taken to suppress them, must have the most salutary effects.—Nothing can give me greater satisfaction than the confidence you re-

pose in me. It shall be justified by the whole tenor of my reign."

Debate in the Commons on the King's Speech respecting the Riots.] The Commons being returned to their House,

Lord *Beauchamp* rose, and in a short speech described the horrors of the late tumults, asserted the necessity the King was under of putting a stop to them by the exertion of that power with which he was entrusted by the constitution. He did not believe the Protestant associators had intended to commit the outrages that had been committed. He concluded with moving the following Address:

"Most Gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return your Majesty the humble thanks of this House, for your most gracious Speech from the throne; and for the communication which your Majesty has been pleased to make to this House, of the proclamations issued during the late most dangerous and alarming disturbances.

"We think it our indispensable duty to express, in the strongest terms, our abhorrence of the proceedings of those tumultuous assemblies, and of the criminal acts of outrage and violence committed by those desperate bands of men, and our highest indignation against the authors, promoters, and perpetrators of them; and to acknowledge, with the warmest emotions of gratitude, duty, and affection, your Majesty's paternal care and concern for the protection of your subjects, in the measures which your Majesty, as the father of your people, and the guardian of the public safety, took in the hour of extreme and imminent necessity, for the immediate and effectual suppression of those rebellious insurrections.

"We learn with satisfaction, that proper orders have been given for bringing the offenders to speedy trial, and to such punishment as, upon conviction of their crimes, the laws prescribe, and the vindication of public justice certainly demands.

"Although the constant tenor of your Majesty's just and constitutional government made a renewal of your Majesty's royal assurances to your parliament unnecessary, yet we cannot but receive with great thankfulness so signal a mark of your Majesty's gracious attention; and we beg leave, on our part, to assure your Majesty, that this condescending and en-

dearing declaration cannot fail of securing to your Majesty, in the hearts of your people, the most affectionate returns of confidence, attachment and support."

Mr. *Macdonald* seconded the motion, and expressed his warmest approbation of the measures that had been adopted to suppress the riots.

Mr. *Fox* agreed in part with the hon. mover and seconder of the Address. He admitted that it was necessary to employ the military, when a riot was suffered to grow too great for the civil power; but as much credit as he gave ministers for the suppression of the tumults, as much blame did he lay at their door, for not checking it in its birth. Upon the whole, he hoped that if any future occasion should call for vigorous measures, ministers would be a little less indolent, and shew themselves in earnest from the beginning. He trusted also that the calling forth the military upon the late alarming occasion, would not be established as a precedent for preferring the soldiery to the civil power. As to the present Address, it met with his warmest support, because he thought the wickedness of the rioters exceeded the wickedness of administration; and in such times of civil and lawless tumult, it certainly behoved moderate men to stand by each other in defence of their country.

Mr. *Burke* declaimed with unusual vehemence against the authors and abettors of the late riots, whom he termed a set of deluded fanatics, and spoke in support of the Bill they riotously petitioned against, as an Act that was founded in the true wisdom of parliament, and therefore ought not to be repealed at the dictatorial requisition of a lawless rabble.

Lord *North*, after paying a just encomium to the merit of the soldiery in their endeavours to suppress the riots, informed the House, that he intended to move for a Bill of Indemnity, for having called in the aid of the soldiery, because it might otherwise appear a measure that militated against the spirit of the constitution; he should likewise move for national restitution being made to the several sufferers in consequence of the riots; for had government been able at that time to have given them the necessary protection, they would not have suffered in their property. As to the Act which had occasioned the tumults, it would, since tranquillity was restored, undergo an immediate inquiry; but he thought it behoved that House to weigh well the consequences that might

attend its repeal under all its present circumstances.

Sir *P. J. Clerke* said, he could not approve entirely of the conduct of those in power, with regard to the King's-bench prison, which might have been preserved from the flames, had due attention been paid to the intelligence which he gave to lord Amherst, and others. He had given them warning of what was intended in full time for the safety both of the King's-bench, and Surry Bridewell. He had gone to the King's-bench in the morning, and was told by the marshal, (who was moving his goods) that the prison was to be burnt that night; and that a clerk of Mr. Thrale's told him, that their house would be burnt that night, unless he could procure a guard for its protection. These things he told to lord Amherst and other lords, and also to the Secretary at War, at twelve o'clock in the forenoon, and yet no guard was sent till nine o'clock in the evening, which just came in time to save Mr. Thrale's house.

Mr. *Wilkes* said, that if proper care had been taken in the city by the first magistrate, the mischiefs done there might have been prevented.

Mr. *Townshend* said, that if proper care had been taken in time, the mischief that had been done might have been prevented. He asked, why no care was taken to preserve the ambassador's chapel? Hoped the private losses of individuals would be made up to them by that government, whose duty it was to have protected their property.

Mr. *Jenkinson* acquitted the ministry of negligence, and attributed what was called indolence in them to the want of troops; for when the riot first began, and the apprehensions of individuals became violent, so many applications had been made for troops, that previous to the arrival of the militia, it was impossible to satisfy half the calls that had been made.

The Address was agreed to unanimously.

The King's Answer.] His Majesty returned this Answer to the Address of the Commons:

"Gentlemen;

"I return you my cordial and particular thanks, for this loyal, affectionate, and unanimous Address. Union at this time must have the best and most important consequences: nothing can more powerfully assist me in preserving the public safety, and securing reverence for the

laws, and obedience to legal government. Be assured, that it is my constant and ardent desire to promote the happiness of all my subjects, and to deserve the confidence and support of a free people."

Mr. *Sawbridge* presented a petition from the city of London praying for a repeal of the Bill granting relief and indulgence to Papists.

Mr. *Wilkes* opposed the petition. It was procured clandestinely. It was moved in common council, after most of the members, in the belief that all business was over, had gone home. He said that alderman Bull had taken no pains to quell the rioters; but had, on the contrary, suffered all the constables of his ward to wear the ensigns of riot in their hats, and that he went from the House of Commons, arm in arm, with the great instigator of the tumults, meaning lord George Gordon.

Mr. *Bull* said, it was true the constables of his ward had worn blue cockades, but he had made four of them take them out. —The petition was presented.

Lord *North* acquainted the House, that his Majesty had caused lord George Gordon, a member of this House, to be apprehended and committed for high treason.

Debate in the Commons on the Bill for securing the Protestant Religion.] June 20. The House resolved into a committee of the whole House, on the petitions against the Act of the 18th of his present Majesty, for repealing the Act of 11th and 12th Will. 3, for further preventing the growth of Popery, when, Mr. *Ellis* being voted to the chair, lord Beauchamp began a speech, which it was understood was to be introductory to certain declarations respecting the Act in question.

Sir *Joseph Mawbey* rose to order, and said, that he had heard his lordship meant to offer to the committee a set of resolutions, useless and unnecessary, and some of them ridiculous; asserting truisms, and that black was not white, which all the world knew already; that he therefore submitted it to the committee, whether the more regular way would not be to go into the proof of such allegations as were contained in the petitions; he wished it the rather, because he had just seen some of his constituents in the lobby, for the first time on this business, who had authorised him to inform the House, that they were ready with evidence in support of

such allegations, to prove the increase of Popish schools, seminaries, and chapels, and in particular to prove, that a Popish chapel, which before the Act would hold 150 or 200 persons, had been so increased as to receive 3,000, and that they could prove 2,000 persons had been assembled at a time. He was going on, when he was called to order by

Mr. *Montagu*, who contended, that lord *Beauchamp* was first pointed to, and therefore had a right to proceed without interruption.

Lord *Beauchamp* insisted upon his right to proceed, as the petitions did not contain a word of desire of being heard by themselves or counsel.

Sir *Joseph Mawbey* contended, he was in order to submit to the House his objections to the manner of proceeding; though it was true, that no desire was expressed in the petitions of being heard by themselves or counsel, yet they contained several allegations of fact, and he thought those facts ought to be proved; the petitioners themselves were ready to prove them, and unless the truth of the allegations was admitted universally, he thought evidence ought to be called in.

Sir *George Savile* was fully of opinion an opportunity should be given to prove the facts; for if it was true that schools and seminaries had increased, he thought some steps should be taken about them.

Lord *Beauchamp* then made a speech of considerable length. He stated the pains which had been taken to misrepresent the Act in question; the pulpit had been employed, and ministers, forgetting their Christian character, had preached against moderation. The extreme tenderness of the House and readiness to receive even ill-founded complaints, had led it to accept the petitions of 85 societies at Glasgow, though the noble lord who represented that city had declared he knew nothing of such societies; that, in truth, they were no other than little ale-house clubs: that the petitioners had stated, they had no opportunity of resisting the Bill in its progress through the House; that, indeed, the proposition for the relief of the cruel restrictions and heavy penalties they were subjected to, had met with little or no opposition, and therefore its progress through the House had been quick, as was usual in Bills unopposed: that when it was thought proper to apply for relief, the head of the church had been consulted, who had no objection

to it: that the Act of king William had been obtained against the wishes of that king, and he quoted bishop Burnet's account thereof: that the repeal had laid the foundation of toleration in Ireland; that civil and religious liberty went together; that the Bill, laying a foundation for the acquisition of landed property, ought to give no alarm; the Papists were double taxed to the land tax: that in a subsequent session he had moved for a repeal of such double tax, which he thought improper, though he had not succeeded. That the complaint about schools and seminaries was ill founded; that the two principal Popish schools would not receive the children of Protestants; but if such proceedings really existed in any considerable degree, it might be proper to make a new law. He could not see how Protestants, as stated in the petition, were in danger of incurring the guilt of perjury, any more than Quakers; and he did not think it right to call upon the Catholic to renounce the spirituals of his religion, after he had taken an oath to the state. He then read five resolutions, and moved the first.

Mr. *Ambler* stated that he had originally objected to the Bill; he was a friend to toleration, and averse to all persecution, but he thought the Bill went too far; Popery ought to be guarded against; the inhumanity of permitting a son to deprive a father of his estate on the score of religion ought not to be enforced. The courts of law, judges, juries, and counsel on both sides, always endeavoured to prevent such persecution, and relaxed the law as much as possible; but he thought they ought not to purchase more lands than they had already; they might vest their money in the stocks, and in mortgages, and they ought not to be permitted to open schools. Popery was intolerant, and he should therefore heartily be for a repeal, in part at least, of the late Act; and he thought some enquiry ought to have been made into the riots at Edinburgh.

Lord *North* approved of the Act, though he was not the original mover of it. He would attend to petitions, but would not give way to them when made in such a manner, and after such violences, because it would give encouragement to future claims; he would decide on the Bill on its own merits: it had been misrepresented; it was not likely to bring on a dangerous toleration, much less an establishment of

Popery. Could any man think imprisonment for life proper for saying mass? And yet Malony, an Irish priest, had been so sentenced, who had gone about making proselytes; he had recommended it to the King to pardon him, and he was released after lying in prison a year and a half. If you prevent the Papists from purchasing land, you take one purchaser out of the market, and hurt thereby property. As to influence, he thought that nothing, no additional influence would be created: the Papist must have property, before he could purchase, and that property would always give influence. He would oppose the repeal on the score of policy; it was impolitic to continue restraints of the sort imposed by the Act of king William: there was a total bar left to all ambition, and rising in the various professions, which were of great importance: Popery had been on the decline since the Revolution; nay, it had declined within the last 20 years, which would appear, among other instances by the red book: there were no Jacobites now, and few peers professed the Catholic religion.

Sir *George Savile* said, he was against proceeding while there was a mob at the door: he thought the petitions from the meanest of the people ought to have due weight in that House; and whether the 85 societies at Glasgow were an incorporation, or only clubs of men meeting at little alehouses, they had a right to apply to parliament, stating their grievances or apprehensions, and parliament were bound to receive and enquire into them. On the present subject, it might be proper to enquire of persons best acquainted with the subject; if it should appear, that many of the clergy had signed the petition, and thought Protestantism in danger, it might deserve very serious consideration, which ought to be given in a degree, at least, coming from any quarter; he thought Papists ought to have perfect security in the enjoyment of their property; and the degree of danger arising from their making new purchases, ought to be the measure of any regulations respecting such new acquisition—an enjoyment of land would take from their connection with foreign lands; every man loved some small domicile around him: it might be thought hard not to permit them to educate their own children; but if Protestant children had been seduced, he thought a Bill should be brought in to prevent such practices; he had turned his thoughts to that subject,

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and would move such Bill, though he had not yet made up his mind to the title of such Bill.

Mr. *Fox* said, that his objection, if he had lived at the period of the Revolution, would have been to the House of Stuart, not because that House had embraced Popery, but because Popery had embraced the House of Stuart; that the latter was supported in its attempts on the liberties of the nation, by Popery in general; there were now no such dangers to be apprehended; the Pretender was out of the question; besides every Papist abjured the Pope in temporals, before he could avail himself of indulgencies. He could not think the Popish religion incompatible with government, nor civil liberty; because, in looking round the world, he saw that in Switzerland, where democracy reigned universally in the fullest manner, it flourished most in cantons of that religion. He was a friend to universal toleration, and an enemy to that narrow way of thinking, that made men come to parliament, not for the removal of some great grievances felt by them, but to desire parliament to shackle and fetter their fellow subjects; he wished to know the number and sort of names to the petitions which desired persecution, and called upon the House for an exercise of its judgment merely, instead of desiring grievances of their own to be removed. He wished to know who the petitioners were. He observed many signed their marks; and it was curious that men who could not read nor write, found their blood fired that a Roman Catholic should read and write. He differed in opinion from his hon. friend, and confessed he had no predilection for the signatures of the clergy; and he was convinced, if at the Reformation their opinions had decided the matter, we should have had no Reformation: it was not likely that men whose interests in general were against the reform, should have been eager to obtain it. He went through a variety of reasons in favour of general toleration, and declared against the repeal of the Bill, and against every thing that tended to bridle the liberty of the conscience.

Sir *P. J. Clerke*, after speaking in favour of the petitions, concluded by moving, that the chairman might leave the chair, and report a progress, in order to afford time for the reception of evidence.

Sir *George Yonge* spoke in favour of toleration; but thought some alteration of the law necessary.

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Mr. *Dundas* rose to justify himself from the reflection made relative to the not punishing riots at Edinburgh. If any neglect had been shewn, he alone was culpable; he was not restrained by any motive of fear to himself, or by other improper motives: he had caused strict enquiry to be made, but he found the ringleaders had fled, and there were only in custody some of the lowest and meanest of the rabble, against whom he had not sufficient evidence for conviction, and he was unwilling they should triumph by an acquittal. He had promised to bring in a Bill in favour of Papists in that kingdom: he did not give over such intention, till the Papists themselves desired it of him. At some fitter opportunity, he hoped, therefore, that measure might take place. He defended the late Act, and declared himself a friend to general toleration.

Mr. *Spencer Stanhope* supported the right of general toleration, and thought the Act did not go far enough in favour of the Roman Catholics. The petitioners, he believed, were mostly Methodists, and the Methodists in general were composed of the lowest of the people; he was afraid the resolutions offered would lead to a persecution of Papists on the present subsisting laws, and would do mischief, but thought, nevertheless, it might be proper to restrain them from educating Protestant children.

Mr. Alderman *Bull*. I rise, Sir, to declare my most hearty concurrence with the petitions from the different Protestant associations: and, Sir, I am happy in having a sanction for this opinion from that corporation of which I have the honour to be a member, and in which there are a large number of my constituents. It gives me pleasure to see, at length, a spirit of opposition to that encouragement which Popery has been long receiving from the servants of the crown.—The establishment of that sanguinary and intolerant system of superstition in the province of Quebec ought to have spread a general alarm throughout the nation. The design was too evident to be mistaken. The late toleration of Popery within the realm, I firmly believe, is a part of a deep-laid ministerial plan; a plan, which has for its objects the destruction of the liberties of the people, and the formation of an arbitrary, despotic government. Popery is most favourable to this design, as passive obedience in the people, whenever the priest chuses to enjoin it, is, on pain of eternal damnation, one of

its distinguishing peculiarities.—I would not be understood to be an advocate for persecution; I abhor the idea; it is not on account of any of the religious tenets of the Papists that I object to their toleration; it is because they cannot give any security for their civil obedience under any Protestant government whatever. To a Protestant they are devoted foes; they are bound by every obligation from their earliest infancy, to oppose what they call heresy, and to destroy those whom they call heretics, that is, to destroy those who differ in opinion from them. And is this religion? No, Sir, it is priestcraft and statecraft; and opposition to a set of men holding such horrid opinions is not persecution, much less religious persecution; it is common prudence; it is benevolence to ourselves and our connections: it is self-defence, and ought to be supported by every one who is a friend to the rights of mankind.—What, Sir, was the conduct of our bishops, and the clergy, in the memorable year 1745? They were then indefatigable in warning the people to beware of Popery, a religion falsely so called, which had often deluged Europe in blood, and had at that time for its object the banishment of our good old king and his family, and the ruin of our free constitution. And what alteration has Popery undergone since? The Pope remains still supreme, the priesthood is the same, and the people are as fast held in delusion and obedience as ever; yet, because the court and its dependents have thought proper to patronize Popery, the bishops and the clergy are silent, and that religion, which not forty years ago excited every horror in the people, without the least alteration in any one of its tenets, we are now persuaded to believe is perfectly harmless and deserving of our countenance and support! An imposition this, which may produce the most melancholy consequences.—We already hear of Popish schools being opened to teach the children of the poor gratis, and of priests and jesuits publicly proselyting the people to that system which supplants moral honesty in the world, and which tends to subvert the peace and order of society. And what may not be the unhappy issue? I fear, Sir, it may terminate in the despotism of the prince, and the slavery of the people. Those numerous Protestants who are now applying to this House, entertain the same apprehension, and they are discharging their duty to themselves and their posterity in beseeching us to take

a serious review of the late Act in favour of the Papists, and to relieve the minds of those particularly who are under scruples respecting the oath of supremacy.—Although, Sir, through the baneful influence of the crown, the former petitions have been spurned at and trampled upon, I yet hope the House will comply with the prayer of these petitions without delay, lest not only the multitude lately at your doors, but the people at large, should suspect that under the specious mask of moderation and tenderness for the Papists, we have a design to sacrifice the valuable inheritance purchased with the blood of our ancestors, and the security of the Protestant religion, to the shrine of Popery. These are my sentiments, which are founded upon those most unequivocal of all arguments, observation and experience.

Mr. *Burke* reprobated the alderman's doctrines, and reflected upon him for his ignorance and want of erudition: he stated, that the ablest arguments that ever were used, had that day fallen from the ablest men, and that they were opposed by ignorance, falshood, and fanaticism. He was called to order by sir James *Lowther*, who said he had reflected in an unbecoming manner on the worthy alderman, and was deviating in an improper manner from the question. After some time Mr. *Burke* proceeded, and said, that the petitions had arisen from bigotry and fanaticism; that the church of England was struck at, and the crown itself, and he would defend both from the attempts and malevolence of such men. He went into a full account of the late riots; expatiated on the inhumanity of the mob; said that Mr. *Langdale*, with twelve children, had suffered to the amount of 50,000*l.*—he had laid in a great stock against the commencement of new duties—he had since been advised to go to Bath to relieve his mind—at his first arrival there, he was treated with the sight of the chapel at that place in flames—he was obliged to return to the *Devizes*.—The inhumanity of fanatics was such, that after the destruction of the school near the city, a petition had been presented, desiring the poor man, who owned it, might not have a lease of the land again to build another. He attacked the petitioners, and he read the names of several taken from thence with a mark—he threw others into ridicule, and he quoted, in a facetious manner, the names of several women—not being able to read and write themselves, these monsters were desirous of preventing

others from receiving education. He had been educated as a Protestant of the church of England by a dissenter; he read the Bible there morning, noon, and night, and was the happier and better man for such reading: he had afterwards turned his attention to the reading of all the theological publications, on all sides, that were written with such wonderful ability in the last and present century; and at last thought such studies tended to confound and bewilder, and he dropped them, embracing and holding fast the church of England. He went into a large field of reasoning on toleration; vindicated the Papists from the charges brought against them; and decried the baseness of *Payne*, the constable, who, he said, had gone about, trying to find out matter to incarcerate for life, men against whom no complaint was made for any offence, other than saying their prayers in a language which he did not understand, but they did. He had imprisoned Mr. *Malony*, an honest and inoffensive man, but the humanity of the crown had released him: he had attempted to imprison Mr. *Talbot*, brother to the earl of *Shrewsbury*, but had failed, very happily, in proof. He stated, in a very long speech, the means taken to bring about all the mischief; he said it had happened by the zeal of wicked and abandoned men, who had gone about industriously misleading poor, ignorant, and deluded people: and concluded, by moving a preface to the first motion, "That much industry had been used to misrepresent the intentions of parliament, &c."

As soon as he had done, the question was called for, many members growing impatient at the length of the debate.

Sir *Joseph Mawbey* rose, and many attempting to prevent his speaking, he declared, that on a business of such importance he would not be prevented from declaring his sentiments; he knew how little he was qualified to entertain or instruct them; he was never long, and he would not be stopped by the illiberal conduct of any man; he claimed that right as much for his constituents as himself; he had a right to be treated as a gentleman: such as disliked staying longer in the House might depart; but he assured them they might as well avoid noise, for they would sooner get away by it. The House being reduced to order, sir *Joseph* then said, that when the noble lord opened his propositions, he did it in so cool and dispassionate a manner as to afford him great

satisfaction: he heard him always with pleasure, though he was not always convinced by his arguments. He had hoped the subsequent part of the debate would have been conducted with equal temper and moderation; instead of which, the hon. gentleman who spoke last, had, with a degree of passion and asperity very unbecoming himself, and very undeservedly, attacked the character of a most respectable magistrate who spoke before him, in terms not warranted by any provocation, and indefensible altogether. He had attacked the hon. magistrate on the preceding night with similar heat, equal impropriety, and equal violence; nay, the same magistrate, on the preceding night, had also been attacked with as much violence, if not with equal passion, by a brother alderman (Wilkes) in a manner unsupported by facts, and in a way that if it were true, should have been used by any other man in the House rather than that alderman; because the worthy magistrate, in times of distress and difficulty, had supported that alderman, and he thought personal and friendly obligations should restrain him from undeserved abuse. Notwithstanding these attacks, he had reason to believe the worthy alderman was as honest and as worthy a character as any man in the House, and, he had always understood, was so considered by those that knew him. The heat and warmth that had shewn itself in this business at different times, by a noble lord (George Gordon) now in an unfortunate and unhappy situation (with whom he had no acquaintance), the hon. gentleman who spoke last, and the alderman, who he did not then see in his place (Wilkes) had made many doubt who had most zeal, fire, or insanity: sure it was improperly brought forward on such occasions.—With respect to himself, he had no connection with the Protestant Association, nor had conversed with any of them till that day on this business. He had seen in the petition the names of many worthy and respectable men, enemies to riot and friends of order. Some of his constituents had that day applied to him in the lobby, and had stated their desire of offering evidence to the House in support of the petitions; he was no bigot, and detested equally persecution, and the late horrid excesses of men who, he believed, were not connected with the Protestant Association, but friends to plunder only. He had signed no petition, nor had he ever shewn in the course

of his life, a desire to persecute gentlemen of the Roman Catholic religion; on the contrary, he had lived in friendship with some gentlemen of that persuasion, for whom he had great regard, and he believed with one priest, the late worthy Mr. Edward Southcote, his neighbour in the country; and when Mr. Payne, the constable, was said to be travelling about to prosecute the ministers employed in private chapels, he had from friendship desired Mr. Southcote would be studious to avoid any thing in his conduct that might awaken jealousy, as it would grieve him to be under the necessity of proceeding against him, which, as a magistrate, he must do if information should come before him. None of them in his neighbourhood were double taxed. But after saying this, he confessed he thought the House should be guarded in their conduct respecting Popery; it was a religion, he believed, intolerant in itself, and, if uppermost, would persecute others. They ought not to be permitted to educate Protestant children; they acknowledged a foreign jurisdiction in spirituals, which might be hurtful and dangerous.—The noble lord who opened the propositions, had complained that the pulpit had been employed by some men, forgetting their Christian character, to instigate the people;—he did not know what the noble lord alluded to; but if he meant the preaching against the errors of Popery, he thought that practice not culpable. Archbishop Tillotson, and every divine of the last and present age, had so preached, and he did not know a clergyman of the church of England, he believed, from whom he had not heard at some time or other similar discourses.—The noble lord in the blue ribbon had said he was against the repeal on the score of policy: if it was to rest on that argument it ought certainly to be repealed. Popery was in general believed more suited to despotism than any other religion; and notwithstanding what an hon. gentleman (Mr. Fox) had said, in one of the best and most eloquent speeches he had ever heard, though in the case of Switzerland there might be a single exception to the contrary, if we looked round the world in general, we should see Popery and tyranny hand in hand together. In a civil view, therefore, any great increase of Popery must be dangerous.—A train of circumstances had led the people to believe their religion was in danger. Papists, by the capitulation of Quebec, were to be suffered

the free exercise of their religion; but he had heard, our court had not only permitted a Roman Catholic to exercise his functions there, 14 or 15 years ago, but had actually given him a salary. Popery was not only tolerated, but established, by the execrable Quebec Bill, afterwards; a Bill founded in despotism and tyranny, and which, in the last parliament, he had always opposed. These, and other circumstances, had led the people to think it was meant to encourage it by little and little, till it should acquire a strength that might be dangerous. If it was true, what the noble lord had said, that Popery was decreased since the Revolution, and even within the last 20 years, why would not the noble lord permit a still further decrease? Why not let it quietly expire in this country, unless political reasons, in his judgment, made it proper to spread and extend it? He was therefore clearly for a repeal of part of the late Act; and he objected, on account of the want of proof, to Mr. Burke's Amendment.

Mr. *Sawbridge* vindicated Mr. Alderman Bull's character; expressed himself an enemy to every kind of persecution, civil and religious; thought the Papists were at rest before, and this Act would tend to encourage persecution; and was totally against the prefatory Amendment proposed by Mr. Burke.

General *Conway* said, that the other day he was afraid persecution would be encouraged, and the remaining penal laws would be enforced against Papists: he had now altered his opinion, and would vote for the resolutions; but hoped they might be hindered from seducing youth.

Mr. *Martin* spoke a few words professing his attachment to universal toleration, and said he was against a repeal of the Act.

The Resolutions were then read, and agreed to as follows: "1. That it is the opinion of this committee, that the effect and operation of the Act passed in the 18th of his present Majesty, intituled, 'An Act for relieving his Majesty's subjects professing the Popish religion from certain penalties and disabilities, imposed on them by an Act made in the 11th and 12th of William 3, intituled, 'An Act for the further preventing the growth of Popery,' have been misrepresented and misunderstood. 2. That the said Act, passed in the 18th of his present Majesty, does not repeal or alter, or in any manner invalidate or render in-

effectual, the several statutes made to prohibit the exercise of the Popish religion, previous to the statute of the 11th and 12th of William 3. 3. That no ecclesiastical or spiritual jurisdiction or authority is given, by the said Act of the 18th of his present Majesty, to the Pope or the See of Rome. 4. That this House does, and ever will, watch over the interests of the Protestant religion with the most unremitted attention; and that all attempts to seduce the youth of this kingdom from the established church to Popery, are highly criminal according to the laws in force, and are a proper subject of further regulation. 5. That all endeavours to disquiet the minds of the people, by misrepresenting the said Act of the 18th of his present Majesty, as inconsistent with the safety, or irreconcilable to the principles of the Protestant religion, have a manifest tendency to disturb the public peace, to break the union necessary at this time, to bring dishonour on the national character, to discredit the Protestant religion in the eyes of other nations, and to furnish occasion for the renewal of the persecution of our Protestant brethren in other countries."

Mr. Ellis acquainted the House, that he was directed by the committee to move, "That leave be given to bring in a Bill to secure the Protestant religion in Great Britain from any encroachments of Popery, by more effectually restraining Papists, or persons professing the Popish religion, from teaching or taking upon themselves the education or government of, the children of Protestants."—Agreed to.

Mr. Burke's Establishment Bill rejected.] June 23. The House went again into a committee on Mr. Burke's Establishment Bill. The remaining clauses were all rejected. A motion was then made to report the proceedings to the House; upon which the previous question was moved by lord North, that Mr. Elwes the chairman do leave the chair. This being carried, the committee was dissolved, and the Bill was consequently lost.

Debates in the Commons on the Bill for securing the Protestant Religion.] June 23. Sir George Savile presented to the House, according to order, a Bill "to secure the Protestant religion in Great Britain from any encroachments of Popery, by more effectually restraining Papists, or persons professing the Popish religion, from teaching, or taking upon themselves

the education or government of the children of Protestants:" and the same was read the first time.

June 26. The Bill was read a second time, and a motion being made for the Speaker to leave the chair,

Sir *Joseph Mawbey* said, before the House resolved itself into a committee, he wished to say a few words on the Bill. He then stated that some of his constituents had desired him on a former day to advertise the House, that they were ready to adduce witnesses in support of the allegations in the Petition of the Protestant Association, and he was now desired to acquaint the House, that witnesses attended in the lobby to prove every such allegation. He was sure his hon. friend had brought in the present and former Bill, from the purest motives; he had always proved himself a friend to toleration as well as to civil liberty; from the most liberal and praise-worthy motives, he had more than once attempted to unfetter the dissenting clergy from subscriptions: two bills for that purpose had been carried through the House, but as they were not supported by administration, a majority of court lords, and almost all the bishops, had rejected them in the other House. The Bill in favour of Papists was supported by administration, and in consequence was not opposed in the other House: and though in the subsequent session the hon. gentleman's Bill in favour of the dissenting clergy had passed, he was himself firmly persuaded, from the predilection given to Popery, it would have been again rejected, unless the Papists had been first released from the Act of the 11th and 12th of king William.—He had his doubts of the propriety of the present Bill; because, under the idea of preventing Papists from educating the children of Protestants, he was afraid, by implication at least, it might take off the restrictions contained in an Act of the 23d of Elizabeth, which subjects such as should keep or maintain Popish schoolmasters to a penalty of 10*l.* per month, and such schoolmasters themselves, unless licenced by the bishop of the diocese, to a year's imprisonment. If this was meant, why not say so in direct terms? If the Bill, by such restraining from the education of Protestants, would virtually authorize them to keep schools for all other purposes, which he feared would be the construction put upon it, he was persuaded instead of allaying the present dis-

contents, it would increase them. Whatever might be said of the people being misled in their interpretation of the late Act, he believed it could be said of only a few: there were among the petitioners men of knowledge, ability, and learning, and he thought the alarm against the increase of Popery in consequence of that Act, had taken deeper root than many gentlemen imagined: all descriptions of men, he found, were loud against the impolicy of the Act; because, though none, or but few indeed, wished persecution, they thought the Papists had nothing to complain of before; every thing was quiet, and they had construed the relaxation of the penal laws into a full toleration; not less than 33 schools were since established in the neighbourhood of London; many new chapels and mass-houses had been opened in different parts of the kingdom: that he thought if the Papists held the tenets of passive obedience and non-resistance, it was a dangerous and damnable opinion in this free country; our government at present was built on other principles, and he thought any considerable increase of Popery might be dangerous in a civil view, more especially as they submitted in spirituals to a foreign jurisdiction, an *imperium in imperio* highly improper.

Mr. *Ambler* said, the repeal of the two clauses in the Act of king William would not be endured; especially when he heard a gentleman say in the House, he thought there could be no objection to admit them to a participation of offices; he thought the present Bill would not give satisfaction to the petitioners, 60,000 of whom had signed the various petitions, and amongst them were many men of fashion and sober temper. He could not think the giving way to the desires of so large a body of people was to be considered as any humiliation; that Act, passed three years ago, did not authorize the keeping public schools: this, by implication, would tend to remove former restraints, and legalize the Papists to keep open a public school: they thought that "charity covered a multitude of sins," and they would take pains to seduce Protestant children; it was a part of their religion: 33 schools were already set up since the passing of the Act. He had seen a list of them, and the truth of the list the petitioners were prepared to prove; the Roman Catholics had rid fast indeed, in two years. This Bill certainly authorized Papists to keep schools; proofs were ready of Protestant

children being solicited for education by the Papists; money had been offered for that purpose, and in some cases actually given. As to the penalty laid on Protestant parents, it would answer no good purposes; they were usually poor whose children were so sought after, and it might induce the parents themselves to turn Papists to avoid the penalty. The Bill therefore he could not approve.

Sir *George Savile* said, if there was any weight in the objection taken by the learned gentleman who spoke last, and his hon. friend who spoke before him, in this Act repealing former acts of restraint on Popish schoolmasters, he thought it might deserve very serious consideration; he believed the objection not founded in point of law; he thought the offer of proofs was not well timed: every gentleman would see the difficulty of drawing a Bill to regulate that which ought not to be tolerated at all: former restraints were not taken away, and that all barriers against Popery were not removed, was certain, for a list had been opened of so sanguinary a nature, that nobody thought they should be enforced; he had had a list of Popish schools given him by a Mr. Swaine, a Protestant teacher. This was not a proper time to go into examination, but if true, they proved the fitness of some regulations; further restraints ought to be put if the cases existed. The Bill said they should not take upon themselves the education of Protestant children: it exempted from penalty music-masters, dancing-masters, fencing and riding-masters, teaching, and not lodging and boarding.

The Speaker having left the chair,

Lord *Beauchamp*, on sir G. Savile's moving an amendment to prevent Papists from taking Protestant children as apprentices, said, he objected to it, as a restraint upon trade and commerce. The hon. baronet had thrown out his objections to the Bill, as it legalized the opening of Roman Catholic schools; and some gentlemen seemed to think it was a great indulgence if they took upon them to educate the children of their own persuasion; as to their educating Protestants, he had consulted all the Catholic gentlemen, and they had assured him on their honour, they had made strict enquiry, and had no knowledge of any such practice; there was not a single school in the neighbourhood of London, where enquiries had not been made; the books of such as were maintained by subscription had been exa-

mined, and not a single Protestant boy, and only one girl had been received there. He himself had inspected the rules of the Roman Catholic school in Moorfields, and one of the first of them was, not to receive the children of Protestants; nay, one boy had been rejected on that ground. A parliamentary enquiry was improper; it would subject every school-master to penalties that might be levied against him, especially coming under a parliamentary report. The amendment proposed tended to disjoin persons living under the same government: every blacksmith, who took a child apprentice, was supposed improperly to have influence over the mind of his apprentice: you might as well say, he shall not marry a Protestant. He did not admire the spirit and temper of the present Act, but if it would quiet the apprehensions of people, he would consent to it. The learned gentleman supposed it would repeal the Act of Elizabeth. He was surprised at that, because no Act was repealed, unless particularly so expressed: all the laws against Papists were rather accumulative, and this would be such. It ought to be confined to the single purpose of education, and not to interfere with commercial intercourse. No Popish blacksmith, or shoemaker, was at present prevented from taking a Protestant apprentice, and he thought they ought not to be prevented.

Mr. *Burke* was sorry for the credulity of the age and country in which he lived. He himself had been obliged to enquire, though the *onus* properly lay on such as brought the charge; evidence of the facts complained of there was none; no accusers stood forth; they had been obliged to enquire and examine minutely where every school lay, boys and girls; none of them received the children of the Protestant parents; and this had been done to quiet the minds of a set of men, who had no possibility of being satisfied; but as these reports had operated on better minds than their own, he thought it right to give information. He had observed the words seminary and seminaries had been used by these people indiscriminately; in the proper signification of them (foundations for the instruction of youth, or colleges, or institutions for orders) there were none such in England: he was sorry for it, because he was sure men had better be so bred in England, than in France, Flanders, or Spain: there were no schools teaching liberal science, or classics, not one that

had any foundation. There was one in Hertfordshire, which was supplied with boys chiefly from Westminster. There was a boarding school at Sedgley Park, in Warwickshire, which had 25 or 30 boarders before the Act, and had been of 16 years standing, though it had wickedly been said, in a paper he had seen, to have arisen since it. It was supplied by two priests and two lay-assistants, and four-fifths of the boys were educated for business. There were many foreigners, and many from the West-Indies, some taught Latin and languages, but it had no foundation. A certain lady of fashion, lady Stourton, had maintained usually twelve boys at school. He had a list of them; none were the children of Protestants. There are now but nine, though sometimes twelve; and the suggestion of their taking Protestant children was not founded in truth; one school was gone at Hammersmith; one in another place: and one or two more had dropped: in London he was not able to find any boarding-school at all, nor in the northern parts of England, in Cumberland, Northumberland, and those parts, except one that had been set up by a house-painter, the better to procure a living. As to day-schools, they were never the objects of jealousy; there had, indeed, been brought to town several little schools which had been consolidated into larger; one of this sort was in the neighbourhood of Bloomsbury, another in the Minories; and they might be traced by the fires: the master of one of them had once 81 boys and 25 girls, though the latter were now reduced to 15, and he had refused to teach the children of near Protestant neighbours: they taught, what all men of liberal education might know, the Douay catechism. There was, indeed, another school in the Minories, the master of which was terrified and had run mad, of which he had no accounts, and there was not a single boarding-school existing in London. There were several day schools, one of good character and estimation; a Protestant had been employed at one time to teach there; and all taught the catechism of the church of England, and there was not a priest among them; they taught only the rudiments of grammar. Lord Arundel of Wardour had, indeed, a little school in his own neighbourhood, where there were only day scholars, about forty in all, and the noble lord in his letter (which he read) had declared, that no boarders were ever admitted: there were

only two instances of Protestant children taught, they were his own tenants, and were taught the catechism of the church of England; children educated in schools were decreased from 355 to 350, and in the same proportion the Roman Catholic religion was diminishing; in many places a priest could be got for 30 or 35*l.* per annum, salary; such a salary, which was the most they in general received, gave poor encouragement. There were great numbers of Irish Roman Catholics, who did almost all the labour of the metropolis; and he thought they should have some place where they might educate their children. The story of buying children, he was persuaded, originated from similar practices in Ireland. He did not wish to have opened his sentiments on this subject, but he could not now avoid it. There were Protestant charter schools in Ireland established, and money was voted every year by the parliament there to maintain them: the bishops and the crown recommended, and they bought none but the children of Papists:—it might be right so far; but when children were taken or bought, they were sent from north to south, from east to west, their names changed, and the ties of affinity were snapped and broken asunder; we secreted ourselves, and yet complained of others for doing that which cannot be proved. This blot and blemish should never have been mentioned, if he had not been forced to it. He quoted the opinion of Thomas Aquinas, in the twelfth century, against breaking the law of nature, and contended, that the parent had full right to dispose of the education of the child, and said the darkness of the twelfth century rose against the light of the eighteenth: there were, he said, 50,000 Protestant children maintained at school in this town, and yet we were afraid of a miserable charity school of Papists. The reports originated from the loose suggestions of mean and base men, and many of them were false. He was now given to understand they would not be satisfied: why, then, in God's name, go on with the Bill? The petitioners had formidable names, and formidable hands; they did not petition till the 2d of June, and this was the 26th, and yet no evidence was offered till this day: he wished them to come, he wanted to see those men who were calumniators, and he wanted to know their names. He saw no objection to shutting up boarding schools from educating Pro-

testants, but objected to including apprentices.

Sir *Henry Hoghton* said he lived in a country where many of his neighbours, many of his tenants, and many manufacturers, were Papists: he never heard of any complaint of their taking apprentices, and thought the amendment proposed improper.

Sir *Joseph Mawbey* said, the hon. gentleman who spoke last but one, had complained of the late day of presenting the petition: of no evidence having been offered till this day; and of his wish to see the faces, and know the names of the persons whom he has described, with some virulence, as calumniators and falsifiers of truth; for his own part, his knowledge of them in general was recent; but some among them he knew were worthy and respectable men; he had seen two men on Saturday, for the first time, one of whom was a Mr. Swain, who had saved the life (as he was informed) of the worthy chairman (Mr. Ellis) and was a schoolmaster; the other was Mr. Fisher, who said he was a secretary to the Protestant Association, and had been honourably discharged after being taken up and put in the Tower. These men had put into his hands accounts of schools established since the Act, differing widely from the account of the hon. gentlemen: the committee, under whom that secretary acted, were in the lobby, and they were ready to prove, by indubitable evidence, all they had stated in their petition. With respect to the reasons that induced a delay of presenting the petition, he was not informed of them; this was not the first time proofs had been offered, from the first application of the petitioners to him, amongst whom were many of his constituents, though he himself had not signed, and he had offered in their names to bring the proofs forwards, and this he did a week ago. The adjournment of the House probably prevented an earlier offer; they were peaceable and quiet men, detesting, with himself, the infernal practices of a mob, whom plunder alone had instigated to the commission of acts disgraceful to humanity: he had authority to assert, that not a single subscriber to their petition had been found amongst the rioters; the secretary, against whom, in particular, so much had been insinuated, appeared to him to be an honest, artless, young man, that no one would suspect at all to have encouraged such transactions.

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—He assured the hon. gentleman, that the petitioners, and the committee in particular, never were afraid of their names or persons being known; they were now in the lobby, ready to prove all they had asserted; that nothing had happened hitherto, and nothing could happen in future, in consequence of any enquiry, that could or would hinder them from appearing, if the House chose to call them in. As to their meeting in a peaceable manner in St. George's Fields, he believed no learned gentleman, either in this House, or any where else, when the trial should come on against a noble lord, would contend, that such meeting was treasonable in itself; if so, county meetings, meetings for enquiries into, and redress of public grievances, would be treasonable and illegal; and that could never be supposed—not that he justified the propriety of such meeting; inasmuch as a mob took advantage of their peaceable deportment, to commit outrages, that every man, of every religion, must think diabolical: they could prove, that so far from any of that mob being influenced by religious motives, many of the most active rioters were Roman Catholics; not that he would, therefore, insinuate reflections against Papists in general: it was no reflection on any profession, that highwaymen, footpads, and housebreakers were of this or that religious persuasion, when no religious tenets, and no belief, appeared to influence their conduct.—He then went into a detail of the Roman Catholic schools, and read the names and descriptions, from a paper in his hand, of 33 schools established in London and its neighbourhoods since passing the late Act, all of which he was instructed to say, they had evidence to prove to the House; and so far from the petitioners deserving severe reflections, for publishing falsehoods respecting Sedgley school in particular, as if established since the late Act, he assured the committee, in his paper, it was expressly described as an old one. He stated the increase of mass-houses and chapels, and he read an account of several persons who were ready to prove they had been offered money to permit their children to be educated in the Popish religion, and of some who had actually taken particular sums for that purpose.—He talked of the danger in a civil view to the public, from any material increase of Papists: was sorry the Act was repealed, because of the ferment it had occasioned; nobody molested them before; no one was inclined to put

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the penal laws in execution, and it was dangerous to disturb things at rest, more especially so at a time when the distresses of the public and individuals had filled the whole country with discontent. Administration was hated, their measures universally condemned, and political discontent, aided by religious, might prove extremely dangerous. He concluded by saying he could not approve of the Bill, if it really legalized the keeping any schools by Papists, and by so doing, virtually repealed the Act of the 23rd of Elizabeth.

General *Conway* thought examinations of witnesses unnecessary, because if their evidence should prove all that was contended for, it would only shew the propriety of further restraint on Papists educating Protestant children, and justify the present Bill. The amendment immediately before the committee was offered to prevent the Papists from taking Protestant apprentices; and the question for consideration was, whether such amendment would injure the common intercourse of commerce, and to that he should give his negative.

Mr. *Dunning* said, the Bill as it stood most certainly extended to every species of education, teaching and instructing. It had been first suggested as a Bill of conciliation to remove the fears and apprehensions that many had entertained. Such was the connection formed by living and boarding in the same house, that it might reasonably be supposed, that the tutor, under such circumstances, would labour to convert, and care was taken to prevent such seduction; but the giving occasional lessons in music, dancing, fencing, drawing, and riding, could not be the object of danger, without residence and living under the same roof, and therefore the Bill very properly had a proviso to exempt such from penalties. The worthy baronet had expressed his ideas, that this Bill, if it should pass into a law, would operate to repeal a former Act of Elizabeth; and he was more surprised to hear the same objection from a learned gentleman who had spoken in the debate. He had not been used to courts, where such opinions had countenance and weight; the Act alluded to had nothing particularly to do with the Roman Catholics; and he was convinced, a teacher of that religion would be equally the object of this Bill, though he should be licensed by the bishop. He was persuaded, it was in no way necessary; but if it would quiet the fears and alarms,

which had no foundation, he had no objection to the reception of a clause, expressly declaring it should not be construed to extend to a repeal of any existing Act; such a clause, though not at all necessary, was perfectly harmless, and might be conciliatory.

Lord *Beauchamp* hoped the hon. gentleman near him would withdraw the amendment respecting apprentices; which appearing to be against the sense of the committee, was negatived, or withdrawn. His lordship then suggested the fitness of receiving an amendment, that would confine the offence to the keepers of boarding-schools only, by substituting the word "and," instead of "or;" and then the clause would run, "if any Papist, or person professing the Popish religion, shall knowingly take upon him or herself the education, teaching, instruction, and boarding the child or children of any of his Majesty's Protestant subjects."

Mr. *Dunning* objected to this amendment, because it would be impossible to convict any man of any offence against the proposed Act, unless he should be proved guilty not only of teaching and instructing, but of boarding also.

Lord *Beauchamp* confessed that was his meaning and intention: the restraint was meant to be applied for fear of the conversion of the Protestant to Popery, and that principle does in no way apply to a day-school, where no such danger could be apprehended.

Mr. *Dunning* said he must oppose the amendment. The master of a day-school, who at present had little or no inducement, might open such school professedly to teach the Catholic religion: convert the particle "or" into "and," and no one can be prosecuted but him that instructs, him that teaches, and him that boards. Every man allows the impropriety of Roman Catholic schoolmasters teaching the children of Protestants: and if the amendment should be adopted, the hon. gentleman who brought in the Bill, would do much better to stop here, than go on with it.

Earl *Nugent* thought the objection might be easily obviated, by leaving other words out, and by substituting the words, "teaching in schools, or places of education, kept by papists, or persons professing the Popish religion." There should be no crime in boarding Protestant children.

Sir *George Savile* said, that no conviction could follow, unless the party actually did

educate, teach, and board: his words were, "or board;" if the particle was changed to "and," the Act would be of no use.

Lord *North* suggested that words might be changed, and when the penalty was named, it might be, "such education, teaching, or boarding."

Mr. *Dunning*. It may be done by repeating the words, or referring to the preamble; it was not usual for Protestant children to be put to Roman Catholic families, merely to be boarded; if the Bill be so narrowed, as proposed, it will be of no use at all.

Lord *Beauchamp*. The practice is for such as do not go into orders, to become language masters, and they almost always receive boarders. A Popish recusant convict cannot exercise the profession of an attorney; till convicted he may.

Mr. *Dunning*. A Popish recusant convict most certainly cannot practise as an attorney, nor can he before conviction, because he must take the necessary oaths before admission.

Mr. *Burke*. The Papists are few in number, and extremely scattered, and the children of such can have no education, at least not such as their parents would wish, if the amendment be rejected. There are no persons keeping day-schools to take the children of Papists, and the schools cannot be kept unless the owners of Popish schools be permitted to receive Protestant children; they will not afford a livelihood. No Popish child can be taught if the disjunctive "or" be admitted to stand in the Bill, and no Protestant can teach a Popish child. Some people get bread now, and this clause will certainly deprive them of it. Little day-schools are not objects of jealousy; no harm can possibly arise from them, and therefore he must resist their abolition and ruin.

Sir *W. Bagot* said, in his country the greatest danger was to be apprehended from day-schools, and he was sure the greatest mischief arose from them. It was doing nothing at all in saying Popish boarding-schools should not educate Protestant children, if you left the children of the poor to be perverted by Popish day-schools.

Mr. *Mansfield* declared his readiness to go to the greatest length in a toleration of Roman Catholics, if that was now the proper consideration; but the circumstances of the times had made it necessary to give relief to the minds of a great number of uninformed persons; one fear

had arisen in their minds, of their getting possession of the children of the poor; and, though it was an ill-founded apprehension, that fear had been directed against day-schools, and therefore the Bill, in order to answer the end proposed, must include day-schools; they would otherwise perceive that day-schools were carried on with impunity: they would perceive, that we had passed an Act to prevent their taking children of the better sort, but had left the children of the lower class to seduction; therefore he was forced to desire that this important word, "or," might stand.

Lord *Irnham* thought if the word "or" was continued in the Bill, all would be satisfied.

Lord *Beauchamp* confessed, it was against his opinion altogether, but he must submit to the temper of the times.

Mr. *Burke* said, that gentlemen should consider how they would like to force Protestants into Popish schools. He was sure they would not like it, and yet this principle was what had been contended for against the Papists; for four-fifths of the children of poor Popish parents in this country must go without education: this was an improper thing to be done, and therefore, after the adoption of such a principle, he could not attend the Bill any longer.

Other amendments, and several new clauses, were afterwards moved and ingrafted into the Bill; and amongst the rest, one proposed by sir J. Mawbey, to declare, "That nothing in this Act contained shall be construed to extend to repeal, or in any manner invalidate any of the laws now in being respecting Papists, or persons professing the Popish religion." After which the House was resumed. The Bill passed the Commons on the 28th.

Debate on the Duke of Richmond's Motion respecting the Conduct of the Military in disarming the Citizens of London, during the Riots. June 21. The order of the day being called for, and the letters of lord Amherst to colonel Twisleton, the plan of an association by the Lord Mayor, and the Declaration of Rights in the 1st of William and Mary, were read.

The Duke of *Richmond* rose, and observed, that he felt himself extremely concerned for the necessity under which he lay of condemning the mode which had been adopted for the suppression of the late disturbances, he being so sincere an

advocate for the thing. He assured their lordships, that if the tendency of the letter alluded to, written by the noble lord at the head of the staff, had been any thing short of a direct violation of one of the leading articles in the sacred and inviolable statute he had just alluded to, he would not have interposed in any manner in pronouncing a public censure upon the contents of it; but when he read, and considered the clause in the above Bill of William, which says, "that every Protestant subject shall be permitted to arm himself for his personal security, or for the defence of his property," and compared it with the general tenor of the letter wrote by his lordship, particularly the passage in it, which directs the inhabitants of the city of London to be disarmed, the militia only excepted, or those who were authorised by the King for bearing arms, it was impossible for him so far to forget the duty he bore his country as a citizen and a senator, as not to demand some species of punishment for the blow directed against her dearest privileges, and for the prevention of similar violations in future. Every citizen of London, in common with every other subject of this kingdom, had a right by the great constitutional Bill alluded to,—"to keep arms for their defence."

What did the letter say, the contents of which he so strongly reprobated? Why, that the citizens of London shall not keep arms for their defence. Whatever might be the intention of the noble author of the letter, however averse he might be to a deliberate breach of law and constitutional privilege, yet so was the fact, that he had been positively guilty of the violation, and the effect of that as a great and dangerous precedent, could not otherwise be prevented but by the immediate interposition of parliament, whereby a high and respectable disapprobation might be transmitted to posterity, and the rights and prerogatives of the people of England be thereby secured against invasion by a recorded testimony of censure. After dwelling upon the subject for some time, and commenting upon the impolicy as well as illegality of the command given by the noble lord at the head of the staff, in the letter written by him on the 13th of June last, and on the discharge of the Russian nobleman, and the notice given to destroy the Fleet prison, he concluded with moving, "That the Letter written on the 13th instant, by the right hon. Jeffery lord Amherst, eldest general officer on the

staff and commanding the military, addressed to lieut. col. Twisleton, then doing duty with an armed force in the city of London, directing him, 'if any arms are found in the hands of persons, except they are of the City Militia, or are persons authorized by the King to be armed; to order the arms to be delivered up to him, to be safely kept until further orders,' is an unwarrantable command to deprive the Protestant subjects of their legal property, and a dangerous attempt to violate their sacred right, 'to have arms for their defence, suitable to their conditions, and as allowed by law,' as is expressly vindicated, asserted, and declared by 'the Act' (of the 1st of William and Mary) 'declaring the rights and liberties of the subject, and settling the succession of the crown,' to be the true, ancient and indubitable right and liberty of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed and taken to be, and shall be strictly holden and observed as therein expressed; and that all officers and ministers whatsoever shall serve their Majesties and their successors according to the same, in all times to come."

The Earl of *Carlisle* set out with a minute historical detail of the successive transactions of the mob, and painted all the extravagancies of their fury in a style equally ingenious, descriptive, and elegant. The recollection of them, he said, impressed him with the same sensation as a sick man feels after a dream. The whole event struck him, on retrospection, as a vision—the effects of which he would gladly disbelieve, but could not—which he could not forget, but dared not revive. After a regular enumeration of the various mischiefs, his lordship proceeded to ask how it was reasonably to be supposed that the officer entrusted with the direction of the means necessary for the suppressing of these tumults should be so far disinterested and unconcerned in his mind as to find time for an attention to verbal *minutiæ*, and to the exact critical tendency of his phrases. A man in that situation was attentive only to an intelligible intimation of his intentions and accurate discriminations were by no means to be expected. This, continued his lordship, might be a sufficient apology for the noble lord; but he would not thank me for such an exculpation. The plain tenor of the letter, if read dispassionately, and taken collectively, is a sufficient justification for him, as it is

impossible under these circumstances to impute that kind of intention to this letter which the motion before the House tends to ascribe to it.

The Duke of *Grafton* complimented his lordship for the peculiar elegance of his diction, but contended against the general tenor of his argument, as void of point, and without application. The subject as it now stood before their lordships, was briefly thus—an official letter is brought before the House, the authenticity of which, from the nature of its introduction upon the table, remained no longer in the smallest degree doubtful. What, then, was the next object of consideration? Why, the tenor of that letter—read it—and deduce its meaning from its terms. What did it say?—in plain words that the inhabitants of London should not be armed.—What did the acknowledged law of the land say?—that they shall be armed. It is not therefore in your lordships' power, continued his grace, to misinterpret, and yet it is under the present circumstances totally out of your power to evade annexing some direct interpretation or other to this letter. You must either put an affirmative or a negative construction upon it—you cannot help it—the letter is officially before you—the motion is also before you, the motion implies one particular construction upon the letter, and to that you must either agree or dissent. And what will be the consequence of such a negative, but the establishment of a regular and clear precedent upon your Journals, that such infringements of the constitution may be committed with impunity, and that, so far from imposing punishment or censure upon the author of such violations, they were even honoured with public approbation, and defended not by the connivance, but the ostensible, declared interference of the legislature. What the noble lord had said, might have had some influence on the House, if they had not been so circumstanced at present, as to be under the necessity of giving a full, unequivocal opinion on the subject. But as there was no alternative left them but pronouncing either Aye or No to the fact, whether the clear purport of the letter in question was not unconstitutional, he did not perceive how these little palliative trifles, urged by the noble lord, could have any weight or influence whatever.

Lord *Stormont* took an extensive retrospect of the origin, and progressive in-

crease of the riots, from the whole of which his lordship drew this general conclusion, that there was a regular plan which pervaded every operation of this apparently wild and immethodical multitude; that they had acted upon a settled system, had been led by some wiser agent than any of the ostensible conductors, and had some deeper source than the apparent cause which was generally thought to have produced them. Was it religion that had induced them to personal persecution against individuals, totally uninterested in the cause they pretended to be defending? Was it zeal for sacred duties that impelled them to the burning of Newgate, and to the entire destruction of almost every prison in the metropolis? Was it this pure and lenient inducement that had stimulated them to take arms, and arms of such a kind, not the *arma quæ furor ministrat*, but regular weapons of offence, peculiarly, and technically calculated to the purposes of that particular destruction which they actually perpetrated, and for which, in all human probability, they were previously instructed. Under these circumstances, when destruction derived new horrors from its consistence and regularity, the noble lord at the head of the army received a letter from the city, informing him, that several of the inhabitants had been sending their rusty arms to get them cleaned, and his lordship's advice and directions were solicited on this occasion; knowing, as the noble lord did from indisputable authority, that the causes of the tumults lay deeper than the general conjecture, would it have been wise, would it have been expedient in him to have issued a direction too limited, or to have contracted the powers of prevention which were then so loudly called for in every quarter? How could an intelligible discrimination have been made? If it could, it would not have been wise: the necessity demanded extensive and certain relief, and what the necessity demanded the necessity justified. It was somewhat peculiar, that the Lord Mayor had himself sent similar orders to some quarters of the city, only that instead of preventing the inhabitants from keeping arms, the tenure of his order was to deprive them of weapons. But though the conduct of the Lord Mayor was no justification of that of the noble lord who presided in the army, yet this inference was plainly deducible from this transaction, that the kind of inhabitants

alluded to in each order were the same, and that both had an eye to the lower or disorderly, and to them only. But what had infinite weight with him was this. How had col. Twisleton understood this order? To know that, was to learn only how he had acted in consequence. Had he entered any sober citizen's house, and deprived him of the legal means of his defence? No: he had exercised the order upon none but those that were, and must have been in the united opinion of all parties just objects of it, and it was therefore the strongest presumption in the world, that the general tenor of the letter conveying that order, was not of the kind described by the noble duke, because if it had, the colonel, as an inferior officer, must have of necessity complied with its contents, which he certainly did not. His lordship concluded his speech with saying, that in his judgment the noble lord who was the object of the motion before the House, had acted not only in such a manner as to preclude any possible ground of just reprehension, but that he deserved the highest praise of his countrymen for the zeal, industry, and professional skill which he had demonstrated during the whole progress of these unhappy disturbances. He was therefore most strongly against the motion.

Lord *Ravensworth* blamed administration for their unaccountable remissness. After seeing lord George Gordon's advertisement on Monday, it was astonishing that they could have neglected to take any step for the prevention of disturbance. They had not met upon it till Friday. He had, from a natural curiosity, which he inherited, and which often led him to make morning walks, and look into the world, attended the meeting in St. George's-fields, and followed them foot for foot; they appeared sober and serious, and a hundred men would have dispersed them. He traced them through their several routes, from day to day, till the Thursday following, which he considered as the day of their dissolution; and in all their ravages he could not conceive that there was any plan. It appeared to him, that they proceeded from outrage to outrage by the remissness of government. There appeared no frenzy of religion, but a mere thirst of pillage. It was government that seemed to have the frenzy. It was this frenzy that encouraged the depredations. But Thursday was the dissolution, and this letter was not written till the Monday

following. There could be no weight therefore in the argument, that it was written in a state of hurry and confusion; it was written when the danger was over: it was therefore to be presumed that it was the effect of deliberation. Was it, he asked, a cabinet letter, or merely lord Amherst's? [Lord Amherst answered, that it was his own letter.] It was, however, to be considered as a measure taken upon due consideration; and it was of so serious and alarming a nature, that he hoped in some shape or another it would be censured by parliament.

Viscount *Townshend* justified lord Amherst. He said it was not to be conceived, that in the situation in which the noble lord was engaged, he could pay nice attention to his expressions; or that a man educated in the field should be acquainted with all the privileges in the Bill of Rights. He said, that he hoped the wreck of the late disturbances would not vanish like the "baseless fabric of a vision." He hoped that it would leave such an impression on their lordships, as would induce them to devise a plan for strengthening the police of this country and for superseding the necessity of calling in the assistance of the military when the civil power was insufficient. He said that ours was the most wretched and incompetent system of police of any country in Europe. Some time ago he had suggested a plan which had been ridiculed as the wildest reverie of political madness. It had since, however, been proved to be the best defence of this city. The plan was a well regulated militia. He begged that their lordships would attend to this, and make it the subject of a future discussion.

The Duke of *Richmond* agreed that much, if not all, of the disturbance and calamity was owing to the remissness of ministers. Their conduct, in every instance, had been blameable. A Russian had been taken in the Sardinian chapel active in felony; he had been fully committed, but had been set at liberty by an order from a Secretary of State, to pay a very improper compliment to the Russian court. Notice was given of the design upon the Fleet 24 hours before the time; the prisoners had had leisure to remove all their goods and furniture, and yet no step was taken to prevent the conflagration. He had heard it said, and if so, it was a shameful conduct, that ministers had retained all the principal and eminent counsel in Westminster-hall, against the

unfortunate lord George Gordon. He hoped for the dignity of justice that this was not true, and if it was, that government would be ashamed of it upon reflection, and correct their error. He now adverted to the doctrine published by lord Mansfield on a former day: that when acts of felony were committing or committed, all men, soldiers as well as common subjects, were justified in proceeding to force, without waiting for the intervention of a civil magistrate. He said, he very much approved of the doctrine in part; but it was liable to an objection which he wished to have cleared up: there was no occasion for the military to wait for the orders of the civil power. Did, then, the common law of the land justify the military for interfering, or was it an extraordinary exertion, which the necessity of the case only could justify, and which demanded an act of indemnity? No distinction was said to be made between the soldier and the ordinary man; they were both to make use of their discretion, and to go to the extremities of force if they saw occasion. Now, when he considered how different the power of the soldier and the ordinary man was, how different their situation, he could not help thinking that this was as completely a military country as any in Europe, and that the civil power was not sufficient to rein in and contract the military. The King could order them to use their force without waiting for the civil magistrate, and this was in the due course of common law; it was justified by the occasion, and required no subsequent indemnity. He begged their lordships to attend to the discussion of this point.

The *Lord Chancellor* left the woolsack, and began with lamenting, that it had of late become a custom, in the course of a debate, for noble lords to take a very large and extensive field, and to indulge themselves in a most unlimited range of animadversion, throwing out loosely and without any sort of connection with the real subject of debate, a great variety of assertions, aimed at, and designed to bear hard upon particular individuals, who by being so generally and irregularly accused, had no possibility of making their own defence; and if they even attempted to answer the sort of attack that was made upon them, gave some degree of credit, and perhaps more than it really merited, to that, which, in point of parliamentary order, in point of formality, and, in point of candour, ought

not to have been so brought forward. He, who thought himself warranted to urge a public accusation, was bound, his lordship declared, to accompany his charge with such proof as would admit of investigation, otherwise the innocent would be levelled with the guilty, and the bare assertion of any one man's having acted either erroneously or criminally, would go to the extent of a conviction, and thus every idea of justice would be banished, and all men would be liable to be aspersed at random in the cruellest manner, and in consequence of that aspersion, to have their characters destroyed, without having a chance even of proving their innocence.

In the course of the present debate a great deal of loose assertion had mixed itself with the discussion of the motion; some of it very serious in its nature, some too trifling and frivolous to merit a moment's notice. One noble lord had said, that all the late disgraceful and dreadful outrages of the mob had been caused by the phrenzy of administration. This assertion he considered solely as a poetical stroke, a mere ornamental figure of speech, introduced for no other purpose, than that of giving a momentary grace to the argument of the noble lord who used it, and therefore regarding it as a flight of fancy, he should not attempt to follow it. [Lord Ravensworth said aloud, "let the noble and learned lord treat it as he pleases, it is a truth, and I declare it to be a truth."] The noble lord who used the figure, his lordship said, declared it to be a truth, in answer to which, he could only say, that if it were, it was so strong-pinioned a truth, that it required the most eagle-eye'd genius to look up to it, and that it soared so high, and lost itself so totally in the clouds, that it was altogether incompatible with, and beyond the reach of, an ordinary understanding to come up with it.

An assertion, of a more material and a much more dangerous sort, was that of the noble duke, relative to the Russian officer, who had been apprehended in the chapel of the Sardinian ambassador. Surely, a matter so commented upon, as the noble duke had thought it becoming him to comment upon this fact, should have been mentioned more guardedly. The noble duke did not pretend that he spoke from his own knowledge upon this subject, neither had he given the House any thing like a reason, whereby they could decide whether his information was authentic or not. It did so happen that he had heard some-

thing of the same story, but it had reached his ears very differently. As far as the relation stated to him went, the Russian officer was an innocent man, and had from the mere impulse of a misplaced curiosity wandered into the Sardinian ambassador's chapel, where he had been seized by the soldiery. Upon enquiry it was found, that the Russian had done nothing illegal, that he was a man of rank, well known to the ambassador, and such a person as was not liable to any imputation of a criminal nature. All this, his lordship said, he understood came out on his public examination, when nothing like a charge being brought forward against him, he was set at liberty. If the fact were so, it certainly was not like the fact described by the noble duke, and therefore he wished the noble duke had not stated it in the manner in which he had brought it forward.

With regard to another assertion of the noble duke, that relative to the Fleet prison, it had not come to his knowledge. But he should have imagined, that had the case been what the noble duke described it to have been, government would undoubtedly have taken some measures for the prevention of the mischief which ensued. If the mob had really given twenty four hours notice of their intention to set fire to the prison, it must have occurred to the warden or deputy warden of the Fleet, that it was their duty to give immediate notice of what happened, to the particular court, to the jurisdiction of which the Fleet prison was liable, and to which it was an appurtenance, and as the courts of law were sitting on Tuesday and Wednesday, the 6th and 7th of June, such intimation he presumed would have been given, when the warden and his deputy would have received instruction from the proper authority how to act, and in case the court had thought the menace of sufficient import, application would have been made to government for a military guard to prevent the mischief. It did not appear from what the noble duke had said, that the warden or his deputy had stated to the proper court their terrors arising from the circumstance of the mob's having threatened to set fire to the prison, neither had it appeared that any application had been made to government for protection, either by the court of law which superintended the jurisdiction of the Fleet prison, by the warden of that prison, or his deputy, or from any quarter whatever. These were necessary gradations in the business,

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and before the fact of the Fleet prison having been burnt, was urged as a matter of accusation against the noble lord who was entrusted with the command of the army, it was incumbent on the noble duke to prove, that application for a guard had been made to the noble lord, either directly or indirectly, and that he had refused or neglected to comply with the requisition.

Having shewn that however true either of the assertions of the duke of Richmond, namely, that relative to the Russian officer apprehended in the Sardinian ambassador's chapel, and that relative to the Fleet prison might be, they were not so stated as to carry with them proofs of their foundation, and were liable to much challenge and controversy; his lordship took notice of the doubt which his grace had expressed relative to the military having been directed by the order of council to act at their discretion in the suppression of the late outrages, and without waiting for the orders of the civil magistrate. He said, nothing was more difficult, nothing more imprudent than the discussion of abstract principles. To debate any abstract proposition was always dangerous; though it could not possibly do any good, it might lead to much mischief, and more especially where the abstract proposition was grounded upon a variety of extraordinary events, which had occurred in a case of singular emergency. With regard to the late use of the military, surely there was not a man who had been a witness to the scandalous outrages which had alarmed, terrified, and disgraced the cities of London and Westminster within the last fortnight, who did not rejoice that they had been employed, and who was not willing to join his tribute of praise to the general heap, and acknowledge in terms of gratitude, their humane, prudent, and successful conduct. As to the noble duke's doubt, how far the principles of the constitution, and the law of the land, warranted the manner of their being employed, that matter had been discussed on Monday, and if he was to search all the law books that ever were published, in order to pick and cull out the strongest and most fit words and phrases, he should not be able to form an argument more apt on the one hand, nor more correct and distinct on the other, than that which the noble and learned lord (Mansfield) had delivered in the course of that day's debate. The learned lord had left him very little to add upon the subject. Most

clearly, in all cases of felony, it was the duty of every man, let his professional character be what it might, to aid and assist in apprehending the felon. Every man likewise, was bound to keep the peace, and though the conservation of it was primarily vested in the crown, and thence branched out into various inferior hands, in cases of public outrage and tumult, it was the duty of all to assist in quelling it, to apprehend the rioters, and to deliver them over to the officers of justice; and in case of resistance, or on finding that they could not stop the outrage by any other means, after it had got to the length of pulling down houses, destroying property, or assaulting or wounding his Majesty's peaceable subjects, then, and in that case, all present were warranted to proceed to extremity, and use such weapons as they were furnished with, for the destruction of the rioters. Every man had a right to oppose force to force, on that first principle of the law of nature, as well as of the law of the land, self-defence; so, the military, when present, individually as private persons, or collectively, under military command, if they were insulted and assaulted by being pelted with brick bats, stones, &c. had a right to repel the violence, and defend themselves. And in doing this, the military did nothing, but what every man else was warranted by law to do, because the military, in every part of their conduct, in such case as he had stated, were bound to obey the law; and if they exceeded it, were liable to actions of trespass, &c. just the same as any other persons who wore brown coats, and were not soldiers. In all cases of high treason, insurrection, and rebellion within the realm, it was the peculiar office of the crown, to use the most effectual means of resisting and quashing such insurrection and rebellion, and punishing the instruments of it. But the King, any more than the private person, could not supersede the law, nor act contrary to it, and therefore he was bound to take care that the means he used for putting an end to the rebellion and insurrection, were legal and constitutional, and the military employed for that purpose, were every one of them amenable to the law, because no word of command from their particular officer, no direction from the war office, or order of council, could warrant or sanction their acting illegally. In the rebellion of 1715, and 1745, it was in their lordships' recollection, what were

the measures then pursued, not but he saw he was verging towards the discussion of a situation very different from that in which the late disturbances put the metropolis, but yet their cases were alike in their respective degrees, and the late insurrection was similar to the rebellions of 1715 and 1745, as far as it went. The outrages had begun first, with a riotous assembling of the people; from such unlawful assembly, the mob proceeded to personal insult, and violence was offered to the members of both Houses, in their way to parliament; thus several were exceedingly ill-treated in coming down to do their duty as individuals composing the two great legislative bodies, and others were totally prevented from coming down at all. From these beginnings the mob proceeded to acts of felony, to the violent entry of private houses, to the destroying the furniture, and setting fire in some cases to the dwellings themselves; their daring increased in proportion as the mischief they had done accumulated; and having lifted the axe of outrage and violence against several of the great branches of the King's government, they were aiming it at the root of the tree itself, and by their having burnt the public prisons and attacked the Bank of England, had already begun their endeavours to destroy the government; it was high time, therefore, for the executive power to interfere in that manner which was most likely to prove effectual in order immediately to quell the outrages, and to bring those offenders to condign punishment, who had busied themselves in the perpetration of the various felonies and treasons that had fixed a national disgrace on the country. Under these circumstances it was, and after it had been in vain endeavoured to quell the riots by the intervention and authority of the civil power, that the military were employed, and therefore the case being so far similar to the rebellion in 1715 and 1745, that there was an actual insurrection, that the laws of the land were trampled under foot and the King's government opposed; the military, as well as every man in a brown coat, were justified in the commission of such trespasses and acts of homicide, for the purpose of restoring the public peace, as were justifiable in the years 1715 and 1745, for the purpose of putting an end to the rebellions then on foot in the kingdom. Not that he meant to say, that either the soldiers individually or collectively, any more than the

private citizens, might not in their very endeavours to quell the outrages, &c. lately committed, have been guilty of some things which, if under a cool legal investigation, would appear to be contrary to law, and punishable either by the common or statute law of the realm. Undoubtedly, in opposing, repressing, and quelling such daring outrages as had lately been perpetrated, the military as well as individuals must necessarily have been forced into excesses; and when the occasion was duly considered, and the extreme hurry and violent confusion, in which all men, who joined in restoring the public peace, were obliged to act, those excesses would be seen to have been unavoidable, and to be the proper objects of an act of indemnity, but not an act of indemnity more necessary for the military than for the conduct of any other description of persons, who had done as the military had done, and been instrumental in effecting that good purpose, which the military had effected.

His lordship, in the course of his treating of the late employ of the military, entered most amply and clearly into the whole argument, as far as it stood in relation to the law and the constitution. His lordship traced the legal investment of the civil magistracy with the powers of the conservation of the peace, *gradatim*, shewing in what proportion each magistrate possessed it, from the crowned head down to the petty constable. He entered also into a very copious discussion of the power and office of the sheriff in regard to calling out the *posse comitatus*, which comprehended in it every individual male of the county capable of bearing arms, the sheriff having it at his option to give weapons fit for the occasion to such of them as he thought proper; and this, his lordship applied, among other arguments to prove that the military individually, and the private citizen were equally liable to the same exercise of the civil power, and bound to pay it the same subordination, by discharging the duties imposed on them with equal punctuality and faithfulness. In proof of this, his lordship asserted, that soldiers, when not employed on military duty, were obliged, if at quarters, or elsewhere in the county, to obey the sheriff's summons, whenever he called out the *posse comitatus*, and to attend in person to receive and obey the orders of the sheriff. After most ably arguing upon the whole of the case, as far as he conceived it

to have relation to the doubt started by the duke of Richmond, his lordship wound up that part of his argument by pronouncing it as his opinion, that his Majesty's ministers had done nothing contrary to law, by employing the military to quell the late tumults, and that in no case, either of outrage, felony, or high treason, were the military authorised farther than the meanest individual subject; all persons, of all descriptions, being equally amenable to the laws of the land, and answerable to them for their conduct on every occasion.

Here his lordship left the point of law, and said he would then turn to the motion itself, which he had been obliged to digress from so widely, because other lords had done the same, and though the disorderly way in which they had thought proper to introduce matters totally foreign to the motion, was of itself in some measure a reason, why their extraneous assertions need not be answered, yet when he considered the present complexion of the times, and the critical situation of public affairs, he thought it his duty, as far as his opinion went, and as far as his abilities and understanding enabled him to convey that opinion intelligibly, to oppose what he had just said to those extraneous assertions, in order to prevent an improper impression from going abroad, and that the minds of the public might not be irritated and inflamed, in a moment when it was most essentially necessary to conciliate the minds of all, and to bring about a general cordiality and union of sentiment. With regard to the motion then before the House, it contained a comment upon a fact which had occurred in consequence of the late tumults; two questions, therefore, must naturally arise in every man's mind, who considered the motion for a moment; the one was, whether the comment was fairly deduced from the fact to which it was applied? the other was, whether, if the comment was warranted by the fact itself, it would be wise, proper, and just, to make the comment? The fact, upon which the comment was made, was a letter written by lord Amherst, who was the senior officer on the staff, to col. Twisleton, commanding the military employed in the city for the purpose of preserving the public peace, and preventing further disturbances, and a particular sentence of that letter was fixed on as the ground of animadversion and comment. This sentence was that which directed, "if any arms were found in the hands of persons,

except they are of the city militia, or are persons authorised by the King to be armed, to order the arms to be delivered up to him, to be safely kept till farther orders."

The noble duke, and others who had spoken on the same side, had considered this as a violation of the Bill of Rights, and thence the noble duke in his motion had proceeded to state, and to call upon the House, as a House of Parliament to declare, in the most formal and solemn manner, that it amounted to, "an unwarrantable command to deprive the Protestant subjects of their legal property, and a dangerous attempt to violate their sacred rights, to have arms for their defence suitable to their conditions, as allowed by law, and as expressly vindicated, asserted, and declared, by the Act of the 1st of William and Mary, cap. 2." Now, in considering the letter as a reply, it would not be amiss for their lordships to learn a little what sort of a letter it was that had produced this reply, and thus by having both the text and context before them, they would be the better able to judge whether the letter of lord Amherst, which was made the subject of the motion, would warrant so bold and so violent an inference as the noble duke had thought proper to draw from it, and to call upon the House to confirm. His lordship then drew from his pocket copies of col. Twisleton's two letters to lord Amherst, which he read to the House; in one of them, that officer stated that he was perplexed how to act respecting the number of suspicious persons, who were observed in the streets running to and fro, with old and rusty muskets and musket barrels in their hands, which they, on being questioned, said, they were carrying to be repaired. In the other letter the colonel stated, that having opened his mind upon the subject to the Lord Mayor, and other magistrates at the Mansion-house, and submitted to them the great difficulty that might arise from persons being suffered to arm themselves indiscriminately, whence two circumstances equally dangerous, were to be dreaded, the one, that the rioters under pretence of preparing for self-defence, or by a violent seizure of arms so incautiously carried about, might procure firelocks and other weapons, and be enabled, if not to repel, at least to resist the military, and thence cause more bloodshed than was necessary; the other, that from the motley appearance of an armed multitude in coloured clothes,

the military would be at a loss how to act, and not being able to distinguish the innocent persons armed for their defence, from the rioters, might perhaps, without the least intention of acting wrong, fire upon the former, and put many to death. This appeal to the magistracy, on the double ground of prudence and humanity, the colonel said in his letter, made great impression on the lord mayor and aldermen who were at the Mansion-house when he urged it, and as they fully admitted the danger, he begged to learn of lord Amherst in what manner he was to prevent it. In answer to these letters, the Lord Chancellor observed, that the noble lord at the head of the staff had written that reply, which the noble duke had chosen to charge as an intention "to deprive Protestant subjects of their legal property, and a dangerous attempt to violate their sacred rights." In reply to such a construction, it was only necessary to consider the whole of the case, the text which he had just stated from col. Twisleton's letters, and the context put upon it by the letter of lord Amherst, and having so done, he was ready to rest it upon a single question: Were their lordships upon their honours, prepared to say, that lord Amherst, when he wrote that letter, had any, the most distant intention of depriving Protestant subjects of their legal property, or of violating their most sacred rights? If their lordships were prepared to answer upon their honours that they did think so, the motion ought to be agreed to, but he for one should feel himself a little amazed, if the House, knowing, as they did, the facts which preceded the letter, and knowing at the same time upon what grounds of doubt in col. Twisleton, lord Amherst had been excited to write his letter, could bring themselves to a resolution of declaring by a formal vote of parliament, that the letter had any such meaning, or that the noble lord who wrote it, merited that degree and weight of censure, which he must necessarily be involved in, if the House so pronounced their judgment upon the letter as to coincide with, and confirm the motion. For his part, his lordship declared, he had not the smallest difficulty in pronouncing the construction put upon the letter, false and unmerited; and this confidence arose in his mind, not more from his perfect conviction that the noble lord who wrote the letter, had no bad intention, than from the wording, and the phraseology of the letter itself. What did

the letter itself say? What were the very words of the particular sentence made the ground of accusation by the noble duke? Why this, "that col. Twisleton, then doing duty with an armed force in the city of London, was, by virtue of the direction of lord Amherst, implied in this letter, to cause to be delivered to him any arms found in the hands of persons, who were not of the city militia, or persons authorised by the King to carry arms, and to keep such arms safe till further orders."

What was there in such a direction, that would bear, even for a moment, the colour that had been put upon it? What was there in it that looked like an intention in lord Amherst to deprive Protestant subjects of their legal property? The jet of the direction was expressly "to take the arms from persons who were not authorised by the King to bear arms." In the wording of this sentence the King's authority was clearly designed to express the law of the land, because as he had before occasion to observe, the King could no more authorise a breach of the law, than the military, or the private citizens, dared be guilty of it.

His lordship begged the noble duke would not imagine, that he was about to drive lord Amherst to technical and verbal criticism for a defence of his letter, or that he meant to force him to take refuge in Coke upon Littleton. It was no matter of blame imputable to the noble lord at the head of the staff, that he was not a complete lawyer, any more than it was to be brought in charge against him, that he, who ought to know something of law, was by no means conversant with, and in fact knew very little of military science. The noble lord, he doubted not, had in the course of his life paid due attention to the study of his profession; and as he had never understood it to be an essential among the first requisites of a soldier, to be a perfect master of technical words, and to write with as much critical choice of phraseology, as it behoved him to act with judgment, spirit, and conduct, in the execution of any military service, he certainly, for one, should not be over-ready to stand forward as the noble lord's accuser, for not expressing his meaning in such nice and critical words as would bid defiance even to a legal quibble. The letter, in point of candour and in point of fact, stood in need of no such far-fetched defence. The King possessing no power of himself, and having au-

thority to exercise those powers only which he derived from the law and the constitution, it was not possible for the King to delegate to others more than the powers invested in him as the chief magistrate, and therefore it would be a construction violently strained indeed, were the particular sentence of lord Amherst's letter, to which he was then speaking, to be construed or interpreted otherwise, than as describing men authorized by law to bear arms.

Upon the full consideration of the letter therefore, as far as it bore internal evidence of the intention of the noble lord who wrote it, and as far as that intention was more fully corroborated and confirmed by col. Twisleton's letters to lord Amherst, it did not appear to him, that the comment put upon it, in the noble duke's motion, approached even to truth, and he was satisfied that when their lordships deliberated with due seriousness upon the whole of the case, they would be as little prone, as he should be, to declare upon their honours, that the letter deserved the noble duke's construction. But though he hoped he had proved to the satisfaction of the House, at least of all such of their lordships as were not predetermined, and who did not give way to their prejudices, (and when he said this, he meant not the least reflection on any one lord, for surely a prejudice arising from a jealousy of a violation of the constitution, under any circumstances, was, to say the least of it, an honest prejudice) that the comment was false and unwarranted, he made no scruple to say, that were it even true in point of fact, he should nevertheless give it his negative.

In order to support this assertion, and to shew that it was perfectly consonant with the strictest justice, his lordship went into a second description of the particular circumstances under which the letter was written, shewing, that even had it accidentally militated against the Bill of Rights in point of obvious construction of the wording it, yet, considering that col. Twisleton, from the sense in which he understood it, had done nothing illegal, and it not being possible to conjure up a doubt, but that the letter was written with the very best intention, and with no other view whatever, but the better and the more speedily to prevent such alarming outrages, as had lately happened, from being repeated, he was persuaded their lordships would not feel themselves willing to declare upon their honours that so acrimo-

nious a construction as that put upon the letter, in the motion, was the construction which it was either necessary or becoming a House of Parliament to put upon it; for who could say conscientiously, that a letter written in the moment, and with the view with which lord Amherst's letter was written, was "a dangerous attempt to violate the sacred rights" of the subject, or was intended, as a command, "to deprive Protestant subjects of their legal property?" His lordship laughed at the noble duke's expression, that the doctrine contained in the letter was exceedingly dangerous, and shewed, that it contained no doctrine whatever. After very ably arguing in support of his second position, namely, that if the comment were true in point of fact, the motion nevertheless ought not to be agreed to, his lordship concluded with repeating, that the motion should have his decided negative.

The Duke of *Richmond* declared himself as much in doubt relative to the power of his Majesty's council by an order, to authorize the military to act at their discretion, and independently of the civil power, as before the noble and learned lord had spoken. His grace said, when he considered that the military had not been employed as individual and private subjects, but as a body, subject to military discipline; as men armed in array, and acting at the word of command given by their officers, he could not be easy under the explanation of the matter given by the noble and learned lord, neither could he think his question had yet been answered. His grace ridiculed the Lord Chancellor's declaration, that if the comment put upon the letter by the motion were true, he would nevertheless give it his negative, observing, that the noble and learned lord was too good a judge of the use of argument to throw arguments away, and that if he had thought his ground strong enough, when he attempted to falsify the construction of the letter, he would certainly have spared himself the trouble of endeavouring to shew, that, if the construction were true, the motion ought to be negatived. It put him in mind of the old story of a man's having said he had twenty reasons to give, why a particular assertion could not be true, the first of which was, that the fact itself was impossible, when his friend immediately said, "if you are sure of that, pray spare me the trouble of hearing the other nineteen." Before his grace sat down, he clapped his

hand to his breast, and declared upon his honour that he thought the letter of lord Amherst to col. Twisleton amounted to a violation of the most sacred rights of the subject, as settled and established by the Act of the 1st of William and Mary.

Lord *Ravensworth* followed the duke's example, and said, that upon his honour he thought the same.

The Earl of *Mansfield* said he should be happy if it was referred to the judges, and that parliament came to a decision on the subject. He said, that when a felony was committing, or committed, and no justice or constable present, men were undoubtedly to exert themselves, and if they could not apprehend, they were justifiable in putting the perpetrators to death. This justification, however, depended on the circumstances of the case. [A good deal of debate arose on this between the duke and his lordship. The duke still maintaining the ground, that unless a distinction was made between the military with arms in their hands, and the common subjects of the empire, there was an end of legal security and freedom. Lord Mansfield said, that such orders as are now in force could not be given by the crown, but in cases of levying war and rebellion, which the late outrages were; and the reasons would be assigned in the proclamation, as they were in this instance. Still this was nothing to the question, the duke replied; it was of the most alarming nature, and he prayed that the most speedy application might be made to the judges, and that parliament might come to a decision on the point; our all depended upon it.]

The question was negatived without a division.

June 23. Though there were no other lords in the House than the Lord Chancellor, the duke of Richmond, lord Stormont, and lord Loughborough,

The Duke of *Richmond* rose, and holding a paper in his hand, begged to call their lordships' recollection to what had passed in the debate on Wednesday, when he had mentioned in the course of his speech, the circumstance of a Russian officer having been apprehended in the Sardinian ambassador's chapel, in the commission of an act of felony, and put in custody by the direction of a magistrate, which officer, as he had been told, was discharged in consequence of an order sent from the Secretary of State, without any sort of consultation with the magistrate

who put him in custody. This matter, his grace said, had been contradicted by the learned lord on the woolsack, who had, from his information, stated the affair very differently. He did assure their lordships, that whenever he ventured to lay any fact before that House, he always took care either to speak from his own knowledge, or from the very best information he could get; and never, unless such intelligence as he could procure, induced him fully to credit the account, which he reported to the House. Thus warranted by his own belief, he had stated the affair of the Russian officer, and as it was to him, as it must be to every one of their lordships, a very disagreeable circumstance to be contradicted, and told, that what he said was a misrepresentation, he had taken some pains to enquire into the truth of the story he had related, and was sorry to say he had no reason whatever to think he had been deceived, but, on the contrary, the more enquiry he made, the more he found the fact he had mentioned supported and confirmed. In order, therefore, to convince and satisfy their lordships on a point, which he by no means could consider as trifling, he should move, "That major general Wynyard, major Gilbert, adjutant Stewart, James Mahon, of Bow-street, and two other persons, be ordered to attend the House on Monday."

The *Lord Chancellor* said, he was a little surprised at such a motion being made in the present situation of the House: that if the noble duke would make his motion merely for the lords to be summoned for Monday, and submit the matter to the consideration of the House, when it was fuller, he should not have the smallest objection; but when he brought to his mind, that the whole subject matter of what his grace had now said, was merely in reference to a story which his grace had stated in the course of his speech, not from his own knowledge, but as a rumour, and to which he had opposed another rumour, relative to the same story, and when he at the same time recollected, that the fact, let it have occurred either as the noble duke had been informed it occurred, or as he had been informed it occurred, was totally foreign to the subject of the debate on the day that it was mentioned, and was not by any regular means whatever before their lordships, he could not but consider the whole as too ungrave a matter to be taken up in that way, and not of size sufficient to render it the sub-

ject of so serious a discussion and enquiry as the motion, were it carried, would lead to; for these reasons, he hoped the noble duke would not press it now, but if he was resolved to go into such an enquiry, to move it at some other time, and take the opinion of a fuller house, the propriety of which struck him so forcibly, that he most certainly should think himself obliged, out of that deference and respect which he considered to be due to the dignity and gravity of the proceedings of that, or any House of Parliament, to give the motion his negative.

The Duke of *Richmond* said, that he had always thought when one lord stated a fact, which statement was contradicted, and the fact differently stated by another lord, it was fair and right for the lord who had been contradicted, to endeavour at least to support his assertion by evidence, and to convince their lordships, that what he had said, was founded. It was not only due to him as a matter of civility, but as a matter of common justice, and as such he claimed it. As the case now stood, their lordships had two different assertions before them relative to one and the same fact, and it was impossible for them to decide which was the true one. His purpose was, by calling evidence to the bar, to remove all doubt, and satisfy their lordships which was in the right, and which had spoken from the best authority, the noble lord on the woolsack, or himself. The learned lord had said, he did not think the story was of a sort sufficiently grave for further discussion; surely, the learned lord would not say, that it was not very material. What did it involve in it? No less than a charge against a Secretary of State, of having sent an order for the discharge of a person in custody by the direction of a civil magistrate, on a charge of felony. With regard to the making the present motion in a fuller House, he conceived the House was full enough to do its business now, as well as at any other time, and if he was sure the postponing his motion till another day would ensure it success, and a fuller consideration, he would readily do it; but he saw no reason for his staying in town till Monday merely to have his motion negatived; he should therefore persist in it then, and was perfectly indifferent as to the manner in which their lordships disposed of it; it would appear that he had so far done his duty, that he had offered to produce evidence at their lordships' bar, in support of

what he had said upon the subject, and that it was not his fault if that evidence was not received.

The *Lord Chancellor* said, that if he was obliged to regard the matter in the same point of view in which the noble duke had placed it, and to consider it as a claim of civility due to his grace, much more as a claim of common justice, due to any man, he must of necessity follow it up accordingly, and vote for the motion. But he could not bring his notions of it to that idea. The noble duke had stated a rumour to their lordships, rather of an extraordinary kind; he having heard the matter differently, had opposed another to it, but as both the one rumour and the other were of no consequence whatever in the consideration of the House, and neither the noble duke nor himself were personally concerned in the real truth of the fact, he could not but consider the matter as much too ungrave for the discussion of their lordships.

The Duke of *Richmond* insisted, that the case in question was extremely material; but even if it were less material, it was incumbent on the House, to suffer any lord, who had been contradicted with regard to a fact stated by him in debate, to answer that contradiction, by producing evidence at the bar, which would put the matter beyond a doubt. The learned lord had on Wednesday said, he was informed that the Russian officer was perfectly innocent, that he had strayed into the Sardinian ambassador's chapel from mere curiosity, and that upon this appearing he was discharged. The fact, he did assure their lordships he understood to be exceedingly different. The Russian officer was not an indifferent spectator, but an active instrument in the outrages committed at the Sardinian ambassador's chapel, nor would he desist, till a soldier presented his bayonet to his breast, and obliged him to leave off. He had regularly been given in charge with other persons who had been apprehended that night; not committed indeed, because none of them were committed, the situation of affairs not admitting of a regular, formal examination, consequently no information in writing was taken, nor any other of those proceedings, which were of necessity adhered to at the office in Bow-street and elsewhere, when magistrates could act without interruption. So circumstanced, his grace contended, that it was a very extraordinary act in the Se-

cretary of State to send and discharge him, without the smallest consultation with the magistrate who had put him in custody, and an act which merited enquiry.

Lord *Loughborough* rose, for the first time since he has taken his seat as a peer, and said, he could not sit silent, and hear the noble duke state a matter to the House, respecting which he had been greatly misinformed, and which he himself was able to clear up, having been an eye witness of the whole transaction, as far as it related to the apprehending the Russian officer, and putting him into custody. His lordship then described the material occurrences of the night when the Sardinian ambassador's chapel was destroyed, and said, that when the soldiery reached the chapel, they came precipitately down Duke-street, and through the passage from Lincoln's-inn fields, so that of necessity a great number of persons, many of them perfectly innocent and mere spectators of what was going on, were forced into the chapel as a place of refuge. Among others so compelled as it were to enter the chapel, was the Russian officer, who, when he came to be questioned what he did there, declared he was accidentally present: that he was a man of rank, had been presented at court, and had been in company with the Sardinian ambassador, who he was sure must recognize him immediately, and would know, that it was impossible for him to have been at all instrumental in demolishing the chapel, or offering the ambassador, or his property, the least insult or injury. In consequence of this declaration, his lordship said, that a person called out to the Sardinian ambassador, and desired him to step down. The first person who entered the room happened to be M. d'Agno, the Genoese minister, with whom the Russian officer claimed an acquaintance, and said he had been in company with him. Monsieur d'Agno did not recollect him, and denied knowing him. This circumstance, added to the Russian's speaking English perfectly well, gave all present no very favourable impression of him, and that impression was rather confirmed than diminished by the Sardinian ambassador, who came down in a few minutes afterwards, and although the Russian claimed an acquaintance with him likewise, and said he had dined with him, did not recollect to have seen him. Upon this, what the Russian had said of himself, and of his motive for being present, were

much doubted, and it was thought proper to detain him till morning, but he was not given in charge in common with the other prisoners. An officer seeing his appearance, and his dress and figure rather bespeaking him a gentleman than otherwise, said he would take charge of him, and treat him as a gentleman. The Russian therefore went with the officer, and they sat up together till morning. What followed, he of necessity could not speak to with equal confidence, because he was not concerned immediately in any of the transactions, but he had understood, that in the morning the Russian envoy, on being applied to by the person who had been detained, immediately sent word that he was what he described himself, and therefore as he was detained only upon the idea of his having given a false description of himself, he was set at liberty. With regard to his being prosecuted for felony, he did assure the noble duke, the thing was impossible, there being no person that charged him with any illegal act. Only two men would say, they saw him in the chapel, and one of them, whose name he would not mention for particular reasons, could say nothing against him, the other was himself seized before the Russian officer was laid hold of, and was charged by him with having been himself concerned in the outrage. There was not therefore any ground for detaining him, although if he was obliged to speak his sentiments on the Russian officer's conduct, he should undoubtedly declare, that as far as his opinion went, the Russian officer's behaviour was by no means becoming him.

The Duke of *Richmond* said, what he had just heard, so far from inducing him to withdraw his motion, made him more inclined to persevere in it. As far as the learned lord was an eye witness, he most undoubtedly could speak with precision, but the learned lord could not speak to what he had not seen, and the accounts which he had received of the transaction, were extremely different indeed from the learned lord's representation of the circumstance. The learned lord had said, that it was impossible for the Russian officer to be committed. There the learned lord could only speak from presumption. He could on no other ground than presumption rest such an assertion, for how was it possible for the noble and learned lord to know, what witnesses might have appeared, or what evidence might have come out a day or two afterwards, upon a

regular examination? The learned lord had said, that the Russian officer was not recognized by M. d'Ageno, the Genoese minister, and therefore he was detained, but it turned out the next day, that he was the person he gave himself out to be, and for that reason he was discharged. All that might be very true, but it had nothing to do with the principal fact upon which the whole matter turned. Was the Russian officer apprehended in the act of felony: and was he discharged in consequence of the order of a Secretary of State, without the least consultation of the magistrate, by whose order he had been detained, or was he not? If he had been guilty of felony, he ought to have been tried for it, and in case of conviction punished. The noble and learned lord had himself said, the Russian officer's conduct was unbecoming him. That very opinion shewed that it was not defensible, and perhaps on further examination it might have been proved to be felonious. His grace concluded with asserting, that it was material for their lordships to enquire into the truth, and there could be no way of getting at it, so satisfactorily, as hearing evidence at the bar.

Lord *Loughborough* repeated that the man had not been detained on any charge of felony, but merely because it was thought he was an impostor, and from the circumstance of his having claimed an acquaintance with M. d'Ageno, and the Sardinian ambassador, neither of whom happened to recollect him. The doubt being cleared up by the Russian envoy next day, the man of course was set at liberty. His lordship said, if the noble duke was not disposed to credit his account, he must, he presumed, be acquainted with the Sardinian ambassador, and if he would condescend to enquire of him, the marquis de Cordon would confirm all he had said. With regard to the names of the persons for whose attendance the noble duke had moved, one of them, James Mahon, had publicly advertised in all the newspapers, that he had given no information against any of the rioters, and that he had no information to give.

The Duke of *Richmond* persisted in his story, declaring, that though the learned lord had heard it one way, he had heard it another; and therefore the only means by which he could be satisfied, would be by hearing evidence at the bar. His grace further said, that there was at that moment below the bar, a man, who was ready, if

called upon, to prove not only that the Russian officer was in the chapel, not merely from motives of curiosity, but that he saw him tearing down the wainscot and setting it on fire. Let their lordships call upon that man and question him; it was by such means that the truth would come out, and not by his going to inquire of the Sardinian minister, or of the Genoese envoy, or of any body else.

Lord Stormont said, as the chief part of the blame, if any were due, for discharging the Russian officer, lay at his door, for sending the written message, in consequence of which he had been set at liberty, it was incumbent on him to state to their lordships the cause of his taking that step. The first he had heard of the matter was, by a letter from the Russian envoy, informing him of the rank of the officer, declaring that he had done no illegal act, and claiming his person as a subject of the court the envoy served. The letter declared, that the officer had wandered into the chapel very innocently, and from too irresistible and unwise a curiosity. Not having heard that the man was detained for any other reason than on a suspicion of his being an impostor, and of pretending to be the person he was not, his lordship said, he immediately caused a letter to be written, and for which he considered himself as responsible as if he had signed it, to the officer, who had the Russian officer in charge, to set him at liberty. Had the officer been given in charge for a felony, undoubtedly he would not have been let go on so slight a letter, as that written by an under secretary of state on the occasion, but that not being the case, he was discharged. His lordship added, that he happened himself to know the Russian officer, and to be well aware that he was a man of rank and consideration in his own country.

The Duke of *Richmond* declared, that, what the Secretary of State had just said, corroborated all that had fallen from him upon the subject. His grace then declared, that if Secretaries of State were so ignorant of the law of the land, as to send an order for the discharge of a person given in charge by a magistrate, on suspicion of felony, without the cognisance of that magistrate, they ought not to hold their situation. The noble viscount had owned himself, that he did not make the least inquiry into the matter, but took it for granted that the Russian envoy's account was true, and that the officer had gone

into the chapel from that curiosity which the letter described, and therefore he had sent an order for his being discharged.

Lord *Loughborough* said the magistrate had not given the Russian officer in charge, but that he had been detained all night at his individual request.

The Duke of *Richmond* contradicted this, and declared Mr. Gilbert had, that very morning in Westminster-hall declared to him, that he gave the officer in charge. His grace said he was sorry to mention private conversation, but he was forced to it. He repeated it therefore that Mr. Gilbert had that very morning told him, that he gave the man in charge, and had at the same time said, he wished not to concern himself at all in the matter, and had rather not be called upon.

The motion was negatived without a division.

Debates in the Lords on the Bill for the Security of the Protestant Religion.] The Duke of *Grafton* said, he had observed from the votes of the other House, that a Bill had been brought in there for repealing the late Act respecting the Roman Catholics. His grace thought the reverend bench ought to be consulted in the matter, and submitted to their lordships, whether it would not be more proper that the bishops should take the law into consideration, and that the modification of it should originate in that House.

The Bishop of *Peterborough*. If I interrupt your lordships' attention from what is more worthy of it, it is only, with your permission, to unburthen my mind, by saying a few words on a subject which I confess hangs heavy upon it, and my apology for doing it now is, that my other avocations may probably prevent my attendance on the intended Bill in its progress through this House. I take it to be an indisputable maxim, founded on experience, that so long as prejudices and passions form a part of human nature, there is no preserving any government whatever in peace and security without attending to them. I take it also to be the principle of this, and every free state so to lead and direct the inclinations of the people, as to conciliate their confidence and affections, rather than by violently contradicting their general character to force an unwilling obedience to authority. In making new laws, therefore, or abrogating those which have the sanction of antiquity and popular opinion, it is not sufficient, that we be sa-

tified of the justice and humanity of the measure, nor of the principles and intentions of those who propose it. Policy and prudence require, in the legislature, an attention, not only to what the measure is in itself, abstractedly considered, but in the full extent of its relations and effects. —It was in this view of things, that I presumed, on the second reading of the Bill for the relief of Roman Catholics, to submit to your lordships' consideration, the propriety there was of giving it a mature deliberation. I was satisfied, that the principle of the Bill was consistent with reason, justice, and Christian benevolence; and I was convinced that the hon. member who introduced it into the other House, and the noble lord who supported it in this, were men deservedly of the first estimation for integrity in private life; and in their public conduct, I confess to look up to them with respect and reverence, as zealous advocates for the civil and religious rights of the constitution. But, my lords, I was apprehensive the Bill was of a nature, as that, if not guarded with the utmost caution, might be misconceived and misrepresented, and thereby afford too much occasion for alarm and offence. The times, too, appeared to me peculiarly unfavourable for such an experiment, because, engaged as we were in our fatal contest with America, and a rupture with Spain as well as France, in my opinion inevitable, I thought that nothing but the phrenzy of religious zeal was wanting to fill up the measure of our national calamities.—Finding, however, that what I had to offer for the delay of the Bill, did not seem to meet the sense of the House, and that the Bill was to pass immediately, I conceived that the less which was said, capable of giving alarm, the better. I did not then particularize an objection or two, which, with your lordships' permission, I will mention at present, in hopes, that if they deserve any attention, they may be provided against in the Bill, which I understand is to be brought in on the occasion. The Bill appeared to me materially defective, in that, while it gave relief from the most rigorous restraint upon the exercise of the Roman Catholic religion, it did not make exceptions, or provide any means for preventing persons professing Popery from making proselytes, or admitting the children of Protestants into their schools and boarding-houses. I am aware it may be said, there are laws in force against the exercise of, or teaching the Roman Catho-

lic religion at all; but if any relief was intended by the Bill, it surely did not mean to deprive parents of that natural right, which, of all others, must be most dear to them, the right of educating their own children in the faith which they think most conducive to their eternal happiness. No man can look on that part of the laws with more horror than myself, and in comparison of it, I think it mercy to forbid any Roman Catholic residing in the kingdom. The late Bill must have intended the contrary. I may be told, however, that it neither justifies nor countenances making converts; but it does not forbid it, and I beg to be understood, that my objections and difficulties do not arise from the express sense of the Bill, but from the interpretations which may be put upon it; and give me leave to say, that it is a very prevailing opinion, I will not take upon me to say how true, that there are of the Romish persuasion, who think it a merit, and may make a practice to gain converts by arguments, which are almost irresistible when opposed to necessity, promises, gifts, and rewards. At a time, then, when a liberal indulgence was given to conscience, it surely would have been prudent in the legislature, and could by no means have been thought hard or unjust to have prevented the abuse of it, by a transgression, which, if it does exist, is an invasion on the established religion of the country.—In speaking to another point, I hope to be understood, that I am myself persuaded there is no ground in any part of the Bill for supposing that offices of trust or power, civil or military, are intended hereafter to be committed to Roman Catholics; but I have heard many sober-minded men express very serious apprehensions, lest the relief granted by this Bill might, on some future urgency of state necessity, be a prelude or foundation for further instances of confidence. I could have wished, therefore, that the sense of the legislature on that article also, had been directly or indirectly expressed, either in the Bill, or by some resolution, so as to prevent such jealousies and suspicions. One circumstance of objection, indeed, I did specify before, and here I confess, my lords, I am not satisfied with any thing I have heard on the subject. By the law, as it now stands, Roman Catholics may purchase and settle estates as freely as Protestants; they may, therefore, on a marriage settlement, limit an inheritance in favour of a second or younger son, in

exclusion of the elder, if he renounced the faith of the family. Now, though I do not approve of the law which tempted a younger brother to supplant his elder, by professing himself a Protestant; yet, I think it very hard, that an heir at law should suffer in his fortune, merely because he may conform to the established religion of his country. I am told, that such a limitation would not be deemed good in law. I suppose it may be so; but I fear the right heir so deprived, should the next in remainder get the possession, has no remedy but by a law-suit, which might be tedious, and expensive at least, if not precarious. These, my lords, are the principal points in which the Bill has appeared to me, from the first, unguarded and defective. I do not mean to propose a repeal, nor wish to have it proposed, for no man is more a friend to toleration than myself; but I must not forget that I am an English bishop, and bound to attend to the security of the established religion. My objections are submitted to your lordships, in hope, that if they appear deserving attention, some mode may be adopted, in the Bill now in agitation, for to render the last less exceptionable than it appears to be. I particularly address myself to those who are most strenuous in its favour, that they may not leave the Roman Catholics, at last, in a worse state than they found them.

The bishop of Llandaff professed himself warmly in favour of toleration. The bishop of Rochester said a few words in favour of the Roman Catholic Bill. After which the subject dropped.

July 3. Previous to the reading the order of the day, which stood for the commitment of the Bill for the security of the Protestant religion,

The Archbishop of *Canterbury* rose and made a short speech, professing the warmest attachment to the generous principles of toleration, so long as it did not affect the civil and religious establishment of the country, and gave it as his opinion, that the doctrines of the Church of England itself were the strongest arguments for this species of indulgence, as the first and most respectable tenet in the Christian system was humanity, and it never could consist with that virtue to compel a man into a mode of worship against his conscience and belief. The Act of the 3rd of William and Mary, against the Roman Catholics, he had always considered

as very severe, and adapted only to the circumstances of the nation at the time; and it was with a view to relieve persons professing that religion from the very great hardships they might suffer under that and other Acts inflicting pains and penalties, that he had consented to the Bill for repealing them, which had given rise to the Protestant petitions, and to the present Bill. If, therefore, their lordships should be of opinion that Popish schools had increased, and that Protestant children were seduced to be educated in them by Romish teachers in the principles of their religion, the provisions in this Bill would be very proper, and should meet with his concurrence.

The Marquis of *Rockingham* was for restraining the Papists as much as possible from educating the children of Protestants; but when that was done, he hoped there would be no infringement on the toleration granted them for the free exercise of their religion, nor any restriction upon their building or repairing chapels for public worship; for it did not appear to him that they had erected many new ones. Much had been said about the chapel at Bath; but, after all, it was not a new one; there had been a chapel on the spot ever since queen Elizabeth's time; part of it had been pulled down to widen a street, and an addition had been made in another position about five years ago, before the Bill in their favour was thought of, which made it larger than the old chapel, and suitable to the increased number of the Roman Catholics residing in that city.

Earl *Ferrers*, after a few preliminary observations, introduced the following motion: "That an humble Address be presented to his Majesty, requesting him that he will be graciously pleased to give directions to the reverend bench of bishops, that they do every one give orders to the several clergymen within their distinct parochial jurisdictions, to make an exact enumeration of the Roman Catholics within their districts, and that the same be laid before the House the first day of next session."

The Bishop of *Bath and Wells* said, he had already, in part, made an enquiry similar to that just now wished for by the noble lord. He felt himself extremely happy in informing the House of the result of that enquiry, as it would tend to remove certain misconceptions that had had considerable prevalence abroad, and had in some degree contributed to the

terrible disasters that had recently happened. An idea had got into the world, that the number of Papists had very much increased within late years. Now the exact reverse was the fact. When this description of men were enumerated about two generations ago by an eminent divine, Dr. Gastrell, the total amount at that time was 68,000. The amount of those residing only in the particular county of Chester, which is more peculiarly distinguished for Roman Catholic inhabitants than any other, was at that time 37,000. In 1767, a second calculation had been made in that county, and the amount was 25,000. Another calculation had been recently made in the same district, and it was found that there were no more than 16,000 at most. The inference from a comparison of these various computations in this particular district was clearly this; that a general diminution had taken place throughout the kingdom, and that the number of Roman Catholics, upon the whole, was nearly lessened one half within the space alluded to.

The Archbishop of *Canterbury* said, that great pains had been taken by his orders to enquire into the number of Roman Catholics throughout the kingdom, and he did not find that they were increased, neither could he hear of any new schools, except one for boys at Hammersmith; there had been one for girls many years, a very old establishment; but in neither of them was there one child of Protestant parents.

The motion was agreed to. The House then resolved itself into a Committee, for taking into consideration the various clauses for preventing Roman Catholics from teaching Protestant children, &c. under certain penalties contained in the Bill.

The Bishop of *Rochester* rose to object to the terms of the following, "and that they be prohibited from the teaching or the government of, &c." The learned prelate moved, that instead of the word 'government,' the term 'tuition' should be inserted, as being the term usually received, and used in the last Bill respecting Roman Catholics.

The *Lord Chancellor* said, the distinction which had been just suggested by the reverend prelate, struck him as an alteration that was not only to be wished for, from the lesser argument of general uniformity, but because, in his idea, it affected even the fundamental tenor and principle

of the Bill itself. He was not a man who had ever attempted to announce himself, or had any ambition to be deemed an active zealot for indiscriminate toleration. Many people carried their ideas upon that subject much farther than he did, and even Mr. Locke had permitted an extent to it in which he was not prepared to concur with him, and which in his humble estimation might, in its possible consequences, prove highly obnoxious to the interior peace, interest, and comfort of the state where it existed. His notions on this contested and complicated subject, were briefly these: if a set of religious tenets are replete with ignorance, bigotry, cruelty, and other such qualities as have a tendency to disturb the domestic repose of that particular kingdom in which these tenets are received, reject them, extirpate them, let them have no quarter nor existence among you. On the contrary, if the nature of this religion be such, as to have no effect upon the civil enjoyments of the general body of the community, then let it subsist in quiet, and in God's name, let its votaries pursue it without interruption or disturbance. Now what was the case in the instance before the House? What did experience say upon the subject? Would they draw conclusions from the abstract character of a religion, which the actual practice of the professors of it did not in any degree warrant? Because the Papists acknowledge in their speculative faith the supremacy of a Pope, could the lords in parliament indulge an idea that they thought him so? Would they at this period of the world suppose, that because a man in his religion talked of corporal presence, that he therefore was totally without any affection for any other person of a contrary persuasion, and that he not only could not place confidence in them, or treat with them, but that he must necessarily abhor them, and delight in seeing them exterminated from the earth? If they were influenced by the abstract nature of the Romish religion, they might fall into such absurdities; but as it must be plain to every lord, that though such tenets as he had alluded to might possibly constitute a part of the Popish faith, yet they manifestly could make no part of his creed. The Roman Catholics were Englishmen, they had conducted themselves like Englishmen and subjects, they therefore had a right to the protection of the country, and its laws. What had they done since last year, when a Bill

was passed exonerating them from a catalogue of most tyrannical and unchristian grievances? Nothing that had been proved. Would their lordships then proceed, without demonstration of any cause, to make this description of men less an object of their indulgence this year than the last, to deprive them of every blessing they had previously bestowed, and reduce them once more, without fault, or any thing like the shadow of it, to the original state of oppression and hardship in which they had been most inhumanly, as well as impolitically kept? He was far from supposing their lordships so forgetful of their true dignity, as to think any such thing. If they had ever deserved exemption from improper penalties they deserved it now, and let them therefore enjoy it. He had said, that the alteration which had been suggested, struck him as an amendment of the utmost consequence. His reasons were these. As the Bill stood at present, the Roman Catholics were liable to penalties for teaching any thing. If they teach your children music, Italian, &c. which cannot be learnt so well without them, they are yet obnoxious to punishment. Is this liberal? is this toleration? to take away from them their just means of livelihood? Is it politic to deprive yourselves of enjoyments, where the possession of them can be no disadvantage? Certainly not. My idea then, continued his lordship, is this, that they may be permitted to pursue every species of instruction or teaching they think proper, excepting only that which extends to what may be termed the government of the child. Let them not have your children totally under their management, so as that they may influence the morals, or lessen the necessary attachment of such children to their original and established religion. Every thing short of this can do us no ill, and would do them an infinite injury, and every thing beyond it is to be guarded against, as one of the first of all possible political evils. His lordship now proceeded to give an account of the peculiar situation of things, under which the Act of the 11th and 12th of William took place, and after commenting with the utmost pointedness, penetration, and learning, on the various circumstances attending that original Bill, and the other subsequent ones that had been passed in palliation, he concluded with moving an amendment to this effect, "That Roman Catholics be permitted to teach any thing, in any manner they

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think proper, only that they be not suffered to keep boarding schools, or any such seminary as may give them the exclusive government of the children under their direction."

The Bishop of Bath and Wells opposed the amendment in one part of it, he being much against Roman Catholics being permitted to teach day schools. A motion was made at his suggestion, for deferring the further consideration of the Bill. The marquis of Rockingham and the Lord Chancellor objecting to this, the motion was withdrawn. After some further alteration, and on its being represented that there were still other penalties in existence against Roman Catholics, for their attempting to keep day schools, the Bishop of Bath and Wells withdrew his objections, and the Lord Chancellor's amendment was agreed to unanimously, after which the Bill passed the Committee.

July 4. The Archbishop of *Canterbury* got up and said, that he had been led into an inadvertent acquiescence in yesterday's debate to an amendment to the Bill in question, proposed by the noble and learned lord on the woolsack, which upon maturer consideration he found himself compelled to retract. The amendment went to a permission to Roman Catholics to exercise any species of tuition towards Protestant children, short of a total and exclusive government of such children. As the liberty of keeping day-schools was therefore allowed in this amendment, he should find himself under the necessity of objecting to it. Most of his brethren on the bench concurred with him in the idea of its being extremely improper to extend their indulgence to Roman Catholics to such a degree as this, and though, as he had on a previous occasion declared, he was far from being of an intolerant or persecuting spirit, yet as he deemed it his first duty to exert himself for the protection of the established religion of the country, he should of consequence certainly give his negative to any measure that, in his idea, had a dangerous tendency towards it.

The Bishop of *St. David's* spoke with great elegance and modesty. This was the first time, he said, he had ever ventured to deliver his sentiments before their lordships, and should have felt himself restrained at present from such an effort of courage, if he had not deemed the subject of consequence enough to make a suppression of sentiments a greater fault than the

vanity of communication, and taciturnity, on such an occasion, guilt. He had not the honour of being a member of that House at the time of passing the original Bill of repeal, of the statute of the 11th and 12th of William, which took place two years ago, otherwise he should have intimated his objections at that period of the business. He then foresaw, or thought he foresaw, most of the disagreeable consequences of that transaction. His principal objections to the Bill, in its present state, that is, as it stood with the amendment, were these, that, in the first place, he thought with the right reverend prelate who preceded him, that a permission to Roman Catholics to keep public day schools for the reception and instruction of children of all denominations, Protestants as well as Papists, was a measure that was likely to be attended with great discontent, and equal disadvantage.—Their lordships should recollect at what period of life it was that a part of our Protestant subjects were to be exposed to the insinuations, artifice, and persuasion of these Roman Catholic teachers—at the tenderest and most susceptible age—in the days of childhood, when they had neither penetration enough to perceive the absurdity of any arguments that might be used to them, nor resolution sufficient to make any effectual resistance, where the natural awe of the master gave weight to the remonstrances of the insidious converter. It was well known to be a predominant feeling among the Roman Catholics, to wish to make perpetual proselytes, and to exert every argument, and every art for conversion wherever they had an opportunity. From this disposition in the instructors, and this incapacity in the person to be subjected to their direction, every thing was to be dreaded, and he should not think our excellent system, strengthened as it was by the judicious combination of its civil and religious ingredients, entirely safe, if the Bill was suffered to pass into a law, with the appendage of the amendment alluded to. His second objection arose from this circumstance, and went against the Bill itself;—that it took no notice of a favourite tenet in the Roman Catholic religion, by which the professors of it were bound, even in civil concerns, to acknowledge the supremacy of the Pope. Ought not some renunciation to have been exacted? or, at least, some provision made against the possible consequences of such a tenet if suffered to remain? In his opinion there ought, and for

this reason as well as the other argument which he had just stated, he would give his negative to the Bill. The subject was, in his idea, of too much consequence to meet so precipitate a decision, and he would recommend it to their lordships to defer the farther consideration of this business till the next session, when an entire revision might be made of all the Acts that had hitherto been passed against the Roman Catholics, and such a plan of tolerance and alleviation formed from the result, as the general circumstances might sanction, and the general security require.

The *Lord Chancellor* spoke next, and repeated most of the arguments which were used by him in the preceding debate on this subject. He always, he said, spoke with infinite diffidence, and under every impression of reverence, when he opposed any thing that originated in the right reverend bench. But he held it the first duty of a member of the legislature to be ingenuous, to consult his conviction, and to speak from his feelings, whatever they were, without being influenced by any authority, however great it might be. This being his unalterable idea of the necessary duty of a senator, he should still persevere in urging his first arguments in favour of the amendment, because he had heard nothing that had produced any change in his actual sentiments respecting it. The reverend prelate who spoke last, had confined his objection to two points, first, that there was danger in permitting the use of day schools to Roman Catholics, and secondly, because he was afraid the effects of that tenet in the religion alluded to, which required an acknowledgment of the Pope's supremacy. As to the first of these arguments, he had only to urge against it, what he had previously suggested in the preceding debate on the subject, that it was intolerant in the highest and most severe degree; that it tended to the most shocking persecutions, and that it was as unnecessary as it was cruel. The reverend prelates had themselves acknowledged, that the number of Papists had very materially diminished; that no schools, one only excepted in Hammer-smith, which in fact, was rather a revival of an old school than the creation of a new one, had been erected since the Act of last year, and that no information, not even of a private kind, by the way only of report, or common colloquial intimation, had been received of any proselytes having, since that time, been made to the church of

Rome, within the period alluded to. What then were the grounds on which they were to withdraw the indulgence which they had so properly bestowed? No new evil has arisen in consequence of that indulgence, and yet we are expected to reverse it. What was the original Act which the Bill of last year had in some degree repealed? It was a weak and horrid effusion of ignorance and tyranny, and had been passed in a manner, and under circumstances that alone bespoke its character, and condemned its contents. If the cruelty or the folly of the original Bill could not be denied, on what reasonable pretence could it be, that the repeal of it was to be objected to? But the reverend prelate had forgot that no Roman Catholic durst attempt to make a convert. There were still remaining several very severe penalties against any Popish teacher, who should succeed in making one proselyte, and if it was a child that was so influenced from its original faith, the father of it was also severely punishable, if he did not endeavour by any means in his power to prevent this effect, and attempt to reclaim him. That being the case, why should new punishments be devised, which went beyond the particular and proper object of them, and which tended much more to unnecessary persecution, than to the prevention of any probable evil. As to the other objection which had been made by the reverend prelate, respecting the supremacy of the pope, he did not believe that would have much influence with their lordships. This was not a day for such a species of reasoning, the time of blind implicit reverence was elapsed, and doctrines of this kind were laughed at almost in the very sight of the pope himself. This religious tyrant was laughed at even in Popish countries, and the notion of his supremacy ridiculed even where the highest reverence for the church over which he pretended to preside, still subsisted. But if this had not been the case, had not the Roman Catholics in this country made a solemn abjuration upon oath, of this particular principle? Had they not sworn that without any mental reservation, or equivocation whatever, they rejected all belief in his supremacy, why then should this doctrine be revived to their disadvantage, when they had solemnly disavowed it? Every thing that had any tendency in the Roman Catholic religion, to disturb the domestic quiet, and civil or religious comfort, of the established Protes-

tants of this country, had been formally rescinded by them from their creed upon oath, and yet that was the particular situation, under which new grievances were to be devised and practised against them. His lordship concluded with expressing his hearty adherence to his first opinion, and hoped the Bill would pass as it then stood.

The House divided; for the Bill with the amendment 14, against it 10. A new motion being proposed, for postponing the consideration of the Bill for a week, another division took place on that question, for it 19, against it 27. The Bill was therefore lost.

*The King's Speech at the Close of the Session.**] July 8. The King put an end to the Session with the following Speech to both Houses:

“ My Lords, and Gentlemen ;

“ It gives me great satisfaction to find myself able to determine this long session of parliament, that you may be at liberty to return to your several countries, and attend to your private affairs, after so laborious a discharge of your duty in the public service; and I take this occasion to express my sincere acknowledgment for the fresh proofs you have given me of your affectionate zeal for the support of

* “ Such was the end of this unusually long, and very extraordinary session of parliament. A session, in which almost every day produced a question, and every question a debate, which in any other would have been deemed highly interesting; but which were frequently lost, in that glare of still greater matter, which was so continually thrown out in this. A session, in which unexpected victories, and unaccountable defeat, alternately raised and sunk the hopes of the contending parties, from the highest pitch of exultation, to the lowest state of despondency. The point of decision seemed more than once quivering, and hanging only by a hair. Upon the whole, it may be said with confidence, that so great a number of important affairs were never agitated in any one session. The riot, in the close, threw a general damp upon all endeavours whatever for reformation, however unconnected with its particular object. Popular fury seemed, for that time at least, the greatest of all possible evils. And administration then gathered, and afterwards preserved, no small degree of power, from a tumult which appeared to threaten the subversion of all government. This may likewise be considered as concluding the political existence of that parliament, for on the 1st of September it was dissolved.”

my government, and of your just estimation of the real and permanent interests of your country.

“Your magnanimity and perseverance in the prosecution of this just and necessary war, have enabled me to make such exertions as will, I trust, by the assistance of Divine Providence, disappoint the violent and unjust designs of my enemies, and bring them to listen to equitable and honourable terms of peace.

“These exertions have already been attended with success by sea and land; and the late important and prosperous turn of affairs in North America, affords the fairest prospect of the returning loyalty and affection of my subjects in the colonies, and of their happy re-union with their parent country.

“Gentlemen of the House of Commons;

“I feel myself under particular obligations to thank you for the large and ample supplies you have so cheerfully granted, and for the confidence you repose in me. No attention shall be wanting, on my part, to render them effectual, and to see them faithfully applied.

“My Lords, and Gentlemen;

“Let me earnestly recommend to you to assist me, by your influence and authority in your several counties, as you have by your unanimous support in parliament, in guarding the peace of the kingdom from future disturbances, and watching over the preservation of the public safety. Make my people sensible of the happiness they enjoy, and the distinguished advantages they derive from our excellent constitution in church and state. Warn them of the hazard of innovation; point out to them the fatal consequences of such commotions as have lately been excited; and let it be your care to impress on their minds this important truth, that rebellious insurrections to resist, or to reform the laws, must end either in the destruction of the persons who make the attempt, or in the subversion of our free and happy constitution.”

The Parliament was then prorogued to the 24th of August; and on the 1st of September it was dissolved.*

* “The proclamation for dissolving the parliament operated like a thunder clap, with respect to suddenness and surprise, on those who were not in the secret. A new prorogation had taken place within a few days, which served to render the stroke still more unex-

FIRST SESSION

OF THE

FIFTEENTH PARLIAMENT

OF

GREAT BRITAIN.

Meeting of the New Parliament.] Oct. 31, 1780. This day the New Parliament

pected. The shortness of the time allotted for the elections, increased the difficulties and disadvantages to those, who were at a distance from their boroughs or interests, and who had taken no previous measures of security. From these, and from other causes, the elections went much in favour of the court, and several of the most popular members, whose public conduct seemed to receive the general approbation of their constituents, were notwithstanding thrown out of their seats. Mr. Fox, however, carried his election for the city of Westminster by a great majority against the earl of Lincoln, who was supported by the whole weight and power of the court. Admiral Keppel, who was thrown out of his old seat at Windsor, by that weight and influence, was brought in by the public spirit of the electors for the county of Surrey, where he had little local interest or connection, compared with those of the other candidate: 113 new men obtained seats in parliament. The poverty of the times, operating along with the general hopelessness which now prevailed, that any opposition in parliament would be capable of producing a beneficial alteration in the conduct of public affairs, had both together so powerful an effect, that candidates were not to be found, who would support the usual expensive contests of the counties. No general election, perhaps for a century, produced so little expence in that respect. Several members of the late parliament, who, although they did not take the trouble of declaring their sentiments to the public, were tired of a constant fruitless attendance and opposition, either determined to retire entirely from public business, or grew very indifferent as to the event of their elections. The general venality which now appeared among the electors, and that contempt of their own declarations and resolutions, as well as of all past faithful service, which it produced, could not fail highly to disgust many, and to render them still more hopeless of public affairs. They peevishly said, that whatever small degree of public spirit and virtue still remained among the people was entirely evaporated in words; and whenever the touchstone was applied, their venality would not only appear predominant, but would prove to be their only principle.

“No change of any consequence had taken place in administration, any more than in the state of the parties that composed the opposition. It could not arise from an apprehen-

met at Westminster. His Majesty being seated on the throne, adorned with his crown and regal ornaments, and attended by his officers of state, (the Lords being in their robes) commanded the gentleman usher of the Black Rod to let the Commons know "It is his Majesty's pleasure that they attend him immediately in this House;" who being come, the Lord Chancellor said,

"My Lords, and Gentlemen;

"His Majesty has been pleased to command me to acquaint you, that he will defer declaring the cause of calling this parliament, till there shall be a Speaker of the House of Commons: and therefore it is his Majesty's pleasure, that you, gentlemen of the House of Commons, do immediately repair to the place where the Commons usually sit, and there choose a fit person to be your Speaker; and that you present such person, who shall be so chosen, to his Majesty here for his royal approbation to-morrow, at two of the clock."

Then his Majesty was pleased to retire: and the Commons withdrew.

List of the House of Commons.] The following is a List of the Members of the House of Commons:

A LIST OF THE HOUSE OF COMMONS
IN THE FIFTEENTH PARLIAMENT
OF GREAT BRITAIN, WHICH MET
AT WESTMINSTER, OCT. 31, 1780.

BEDFORDSHIRE. John earl of Upper Ossory.--St. Andrew St. John; brother to lord St. John; appointed under secretary of state to the right hon. Charles James Fox, one of his majesty's principal secretaries of state, April 1783.

Bedford. Sir William Wake.--Samuel Whitbread.

BERKSHIRE. Win. Henry Hartley.--John Elwes.

sion, on the side of the court, of any deficiency of strength in the House of Lords, that six new peers were now created; and must therefore be attributed to a sense of merit, and acknowledgment of services. These were, lord Gage, the hon. James Brudenell, sir William De Grey, sir William Bagot, hon. Charles Fitzroy, and Henry Herbert, esq. who were all created English barons. Some small time before the meeting of parliament, lord Carlisle was appointed to the government of Ireland; and lord Grantham succeeded him at the head of the Board of Trade." Annual Register.

[VOL. XXI.]

Windsor. Pen. Portlock Powney.--John Montagu.

Reading. Francis Annesley.--John Dodd; died, a new writ ordered, February 12, 1782.--Rich. Aldworth Neville; in this parliament before for Buckingham, brother-in-law to earl Temple. Succeeded as baron Braybrooke of Billingbear in Berkshire (on the death of lord Howard of Walden.)

Wallingford. John Aubrey; made a commissioner of the admiralty; a new writ ordered, July 10, 1782, he was re-elected. Made a commissioner of the treasury, a new writ ordered, December 24, 1783, he was re-elected.--Chaloner Arcedeckne.

Abingdon. John Mayor; made steward of the three Chiltern Hundreds of Stoke, Desborough, and Bonenham, in the county of Bucks; a new writ ordered, December 16, 1782.--Henry Howarth; one of his majesty's counsel at law, drowned in the river Thames; a new writ ordered, May 12, 1783.--Edward Loveden Loveden.

BUCKINGHAMSHIRE. Ralph earl Verney.--Thomas Grenville.

Buckingham. Jas. Grenville, jun.; made a commissioner of the treasury, a new writ ordered, March 27, 1782, he was re-elected. Sworn of the privy council, January 1784.--R. Aldworth Neville; made agent to the regiment of Buckinghamshire militia; a new writ ordered, February 11, 1782. He was chosen for Reading.--Edmund Nugent.

Chipping Wycombe. Charles lord viscount Mahon; only son of the earl of Stanhope.--Robert Waller.

Aylesbury. Anthony Bacon.--Thomas Orde; receiver-general of the duchy of Lancaster; made secretary to the lord lieutenant of Ireland, and sworn of the privy council there.

Agmondesham. William Drake, sen.--William Drake, jun.

Wendover. Richard Smith; a general officer in the East India Company's service.--John Mansel Smith; son of the other member.

Great Marlow. William Clayton; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, 1783.--William Clayton; son of the late member.--Sir John Borlace Warren.

CAMBRIDGESHIRE. Lord Robert Manners; brother to the present duke of Rutland; a captain in the navy; died of the wounds he received in the great sea fight in the West Indies, April 12, 1782; a new writ ordered, May 24, 1782.--Sir Henry

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Peyton.--Philip Yorke; nephew and heir to the earl of Hardwicke.

Univ. of Cambridge. James Mansfield; again made solicitor-general to his majesty; a new writ ordered, November 17, 1783, he was re-elected.---John Townshend; second son to the present lord viscount Townshend; made a commissioner of the admiralty; a new writ ordered, March 27, 1782, he was re-elected; again appointed a commissioner of the admiralty; a new writ ordered, April 4, 1783, he was re-elected.

Town of Cambridge. J. Worwood Adeane; lieutenant-col. of the 2d troop of horse grenadier guards, and aide-du-camp to his majesty; made a major-general.--Benjamin Keene.

CHESHIRE. John Crewe.--Sir R. Salusbury Cotton.

Chester. Thomas Grosvenor.--R. Wilbraham Bootle.

CORNWALL. Sir William Lemon.---Edward Eliot; created baron Eliot of St. Germans in the county of Cornwall; a new writ ordered, January 31, 1784.--Sir Wm. Molesworth.

Launceston. James lord viscount Cranburn; only son to the earl of Salisbury; treasurer of his majesty's household; succeeded to the peerage on his father's death; a new writ ordered, November 1780.--C. Geo. Perceval; brother to the earl of Egmont, and eldest son to the right hon. lady baroness Arden of the kingdom of Ireland: appointed one of the lords commissioners of the admiralty; a new writ ordered, December 24, he was re-elected.---Thomas Bowlby; commissary-general of musters, and brother-in-law to the duke of Montagu; made steward of the three Chiltern Hundreds; a new writ ordered, January 22, 1789.--Sir John Jervis; captain in the royal navy, now earl of St. Vincent.

Leskard. Wilbr. Tollemache; next brother to the earl of Dysart.---Samuel Salt; deputy governor to the South Sea Company.

Lestwithiel. John St. John; brother to viscount Bolingbroke; made his election for Newport, Hants; a new writ ordered, November 1, 1780.--George Johnstone; a captain in the navy.--Thomas de Grey; only son of lord Walsingham; under secretary to lord George Germaine, one of his majesty's principal secretaries of state, and a commissioner of trade and plantations; succeeded his father in the peerage; a new writ ordered, May 24, 1781.--George lord viscount Malden; eldest son of the earl of Essex.

Truro. Bamber Gascoyne.--Henry Rosewarne; vice-warden of the stannaries; died, a new writ ordered, June 30, 1783.---John Poll. Bastard; made steward of the three Chiltern Hundreds, in the county of Buckingham; a new writ ordered, January 29, 1784.--Sir John St. Aubin.

Bodmyn. William Masterman; clerk of the council, and register of the duchy court of Lancaster.--George Hunt.

Helston. (D. R.) Thomas lord Hyde; eldest son of the earl of Clarendon; not duly elected.--Jocelyn Dean; brother to lord Muskerry of Ireland; died before the committee had tried the merits of his election, and he being to have been duly elected; a new writ was ordered, February 21, 1781.--R. Barwell, vice Dean.--Thomas Lord Hyde, vice Yorke.--Philip Yorke; duly elected; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, June 15, 1781.--William Evelyn; a lieutenant-general, and colonel of a regiment of foot; found not duly elected.

Saltash. Sir Grey Cooper; made a commissioner of the treasury; a new writ ordered, April 4, 1783, he was re-chosen.---C. Jenkinson; secretary at war, and clerk of the pells in Ireland.

Camelford. John Pardoe, jun.; a director of the East India Company.---James Macpherson.

Westlooe. Sir William James; died, a new writ ordered, December 26, 1783.---John Buller; in this parliament before for this borough.---John Buller; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, March 12, 1782.---John Sommers Cocks; eldest son of sir Charles Cocks, bart. member for Ryegate.

Grampound. Sir John Ramsden.--Thomas Lucas.

Eastlooe. John Buller; upon the dissolution of the 14th parliament, he was appointed one of the lords commissioners of the treasury--again appointed to the same office; a new writ ordered, December 26, 1783, he was re-elected.---Godfrey Wentworth.---William Graves; appointed steward of the Chiltern Hundreds; a new writ ordered, November 24, 1783.--John James Hamilton.

Penryn. Sir Francis Bassett.--John Rogers; made steward of the three Chiltern Hundreds; a new writ ordered, December 23, 1782.--Reginald Pole Carew.

Tregony. John Stephenson.--John Dawes.

Bossiney. Charles Stuart; a colonel in the army.--Henry L. Luttrell; a colonel in the army; made a major-general November 20, 1782.

St. Ives. William Praed.--Abel Smith.

Fowey. Philip Rashleigh.--Molineux lord Shuldham.

St. Germans. Edward James Eliot; eldest son of the member for the county; made a commissioner of the treasury; a new writ ordered, July 10, 1782, he was re-chosen; again made a commissioner of the treasury; a new writ ordered, December 24, 1783, he was rechosen.--Dudley Long.

St. Michael's. Francis Hale.--William Hanger; brother to lord Coleraine of Ireland.

Newport. James lord viscount Maitland; eldest son of the earl of Lauderdale.--John Coghill; created a baronet, March 24, 1781.

St. Mawes. R. Craggs, earl Nugent.--Hugh Boscawen.

Callington. George Stratton.--William Morshead; created a baronet of Great Britain, December 19, 1783.

CUMBERLAND. Sir James Lowther; soon after the dissolution of this parliament, he was created earl of Lonsdale, &c.--Henry Fletcher; created a baronet of Great Britain, May 20, 1782.

Carlisle. Charles earl of Surrey; only son to the duke of Norfolk; appointed deputy earl marshal by his father, and approved of by his majesty, September 3, 1782; made a commissioner of the treasury; a new writ ordered, April 4, 1783, he was re-elected.--William Lowther; son of sir William Lowther of Swillington-hall, Yorkshire, and brother-in-law to the earl of Westmoreland.

Cockermouth. John Lowther.--John Baines Garforth.

DERBYSHIRE. Lord Richard Cavendish; brother to the duke of Devonshire, and nephew to the last member; died, and the Speaker issued his warrant for a new writ to the clerk of the crown, November 2, 1781.--Lord George Cavendish.--Nathaniel Curzon.

Derby. Lord G. H. Cavendish; brother to the duke of Devonshire, and nephew of the late member.--Edward Coke.

DEVONSHIRE. John Parker; soon after the dissolution of this parliament, he was created baron Boringdon of Boringdon in Devonshire.--John Rolle.

Exeter. Sir C. W. Bampfylde.--John Baring.

Totness. Laun. Brown, jun.--Sir P. Jenn. Clerke.

Plymouth. George Darby; vice-admiral of the white; upon the dissolution of the 14th parliament he was made a commissioner of the admiralty, and rear-admiral of Great Britain.--Sir F. Leman Rogers.

Oakhampton. Richard Vernon.--Humphry Minchin; made clerk of the ordnance, a new writ ordered, April 17, 1783, he was re-elected.

Barnstaple. Francis Basset.--John Cleveland.

Plympton Earle. James lord viscount Cranburn; treasurer of the household; succeeded his father as earl of Salisbury; a new writ ordered, November 2, 1780.--James Stuart; second son of the earl of Bute; lieutenant-colonel-commandant of a battalion of foot.--Sir Ralph Payne; K. B. a clerk of the board of green cloth.

Honiton. Alexander M'Leod; not duly elected; a new writ ordered, March 27, 1781.--Jacob Wilkinson.--Sir George Yonge; appointed one of the vice-treasurers of Ireland; a new writ ordered, March 27, 1782, he was re-elected; made secretary at war; a new writ ordered, July 10, 1782, he was re-elected--again appointed secretary at war; a new writ ordered, December 24, 1783, he was re-elected.

Tavistock. Richard Rigby.--Rich. Fitzpatrick; made chief secretary to the duke of Portland, lord lieutenant of Ireland, and sworn of the privy council of that kingdom; has a company in the foot guards; made aide-du-camp to the king; made secretary at war; a new writ ordered, April 11, 1783, he was re-elected.

Ashburton. Robert Palk; created a baronet of Great Britain, May 15, 1782.--Charles Boone.

Dartmouth. Richard viscount Howe; made admiral of the blue; created lord viscount Howe of Langar in the county of Nottingham, a new writ ordered, May 10, 1782.--Charles Brett; a commissioner of the admiralty--again appointed to the same office, a new writ ordered, December 24, 1783, he was re-elected.--Arthur Holdsworth.

Beeralston. Lord Algernon Percy; second son of the duke of Northumberland; made his election for Northumberland, a new writ ordered, December 7, 1780.--W. Robert, viscount Fielding; eldest son of the earl of Denbigh; a captain of dragoons; made a major, and afterwards a lieutenant-colonel of dragoons.--George lord Macartney of Ireland; governor of Madras in the East Indies; made steward of the Chiltern Hundreds, a new writ ordered, March 1781.--Lawrence Cox.

Tiverton. John Wilmot.--Sir John Duntz.

DORSETSHIRE. George Pitt.--Humphry Sturt.

Poole. William Morton Pitt.---Joseph Gulston.

Dorchester. George Damer; eldest son to lord Milton; a major in the army.--William Ewer.

Lyme Regis. (D. R.) Henry Fane; D. R. Mitchell; Henry Harford; Lionel Darell, jun.; none of the members returned at the general election being found duly elected; a new writ was issued, December 2, 1780.--Henry Fane; uncle to the earl of Westmoreland.---David R. Mitchell.

Weymouth and Melcomb Regis. Welb. Ellis; appointed one of his majesty's principal secretaries of state; a new writ ordered, February 11, 1782, he was re-elected.---John Purling.---William Chaffin Grove; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, January 1781: Mr. Rumbold was elected in his room.--Warren Lisle; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, December 1780.---Gabriel Steward.---Richard Wm. Rumbold; eldest son to sir Thomas Rumbold, bart.; a lieutenant in the foot guards.

Bridport. Thomas Scott.--Richard Beckford.

Shaftesbury. Sir Thos. Rumbold; not duly elected; in this parliament afterwards for Yarmouth, Hants.--Hans W. Mortimer; found to have been duly elected, and ought to have been returned.--Francis Sykes; created a baronet, March 24, 1781.

Wareham. John Boyd; eldest son of sir John Boyd, bart.--Thomas Farrer.

Corfe Castle. Henry Bankes.---John Bond, jun.; son of the late member.

DURHAM. Sir John Eden.--Sir Thomas Clavering.

Durham. John Tempest.--John Lambton; made a general of foot.

ESSEX. Tho. B. Brampstone.--John Luther.

Colchester. Sir Robert Smyth.---Isaac Martin Rebow; died, and the Speaker issued his warrant for a new writ to the clerk of the crown, November 12, 1781.--Christopher Potter; not duly elected.--Edmund Affleck; found duly elected, and ought to have been returned, March 4, 1782; a captain in the navy; created a baronet May 28, 1782; made a rear-admiral of the blue, February 10, 1784.

Malden. Eliab Harvey; a captain in the navy.--John Strutt.

Harwich. George A. North.--John Robinson.

GLOUCESTERSHIRE. William B. Chester; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, December 30, 1780.---James Dutton; soon after the dissolution of this parliament, he was created baron Sherborne of Sherborne, in the county of Gloucester.--Sir William Guise.--Geo. C. Berkeley; only brother to the earl of Berkeley; a captain in the navy.

Gloucester. John Webb.--Charles Barrow; created a baronet, December 19, 1783.

Cirencester. James Whitshed; made steward of the three Chiltern Hundreds; a new writ ordered, July 9, 1783.--Henry lord Apsley; eldest son of earl Bathurst; made a commissioner of the admiralty; a new writ ordered, December 24, 1783, he was re-elected.--Samuel Blackwell.

Tewkesbury. Sir W. Codrington.---James Martin.

HEREFORDSHIRE. Sir George Cornwall.--Thomas Harley.

Hereford. Sir Richard Symons.---John Scudamore.

Leominster. Richard P. Knight.--John lord viscount Bateman.

Weobly. Andrew Bayntun.--J. St. Leger Douglas; died, a new writ ordered, June 6, 1783.--John Scott; one of his majesty's counsellors at law.

HERTFORDSHIRE. William Plumer.--Thomas Halsey.

St. Albans. Wm. Charles Sloper.--John Radcliffe; died, a new writ ordered, December 22, 1783.--James lord viscount Grimstone of Ireland.

Hertford. Thomas Dimsdale; a baron of the Russian empire.--William Baker.

HUNTINGDONSHIRE. Peter earl Ludlow; made comptroller of his majesty's household; a new writ ordered, April 10, 1782, he was re-elected.---John lord viscount Hinchinbroke; made master of the buck hounds; a new writ ordered, May 14, 1783, he was re-elected.

Huntingdon. Sir G. Wombwell; died, a new writ ordered, November 1780.--Sir Hugh Palliser; vice-admiral of the white; governor of Scarborough castle, and master of Greenwich hospital.--C. John, lord Mulgrave.

KENT. Charles Marsham.---Filmer Honywood.

Canterbury. George Gipps; an alderman of the city of Canterbury.--Charles Robinson; a barrister at law, and recorder of the city of Canterbury.

Rochester. George F. Hatton.--Robert Gregory.

Maidstone. Clement Taylor.--Sir Horace Mann.

Queenborough. Sir W. Rawlinson.--Sir Charles Frederick.

LANCASHIRE. Thomas Stanley.--Sir Thomas Egerton; soon after the dissolution of this parliament, he was created lord Grey de Wilton in the county of Hereford.

Preston. John Burgoyne; appointed commander in chief of the army in Ireland, April 16, 1782, and colonel of a regiment of foot, June 7, 1782.--Sir Henry Hoghton.

Lancaster. Abraham Rawlinson.--Wilson Braddyll.

Newton. Thomas Peter Legh; appointed an ensign in the army; a new writ ordered, May 21, 1783, he was re-elected.---Thomas Davenport; king's counsel; knighted, June 27, 1783.

Wigan. Horace Walpole; eldest son of lord Walpole; appointed secretary and register to the royal hospital at Chelsea; a new writ ordered, April 24, 1783, he was re-elected.--Henry S. Bridgman; died, and the Speaker issued his warrant for a new writ to the clerk of the crown, August 25, 1782.--John Cotes.

Clithero. Thomas Lister.--John Parker; made steward of the manor of East Hendred in the county of Berks; a new writ ordered, April 12, 1782.---John Lee; solicitor-general to the king; again appointed to the same office; a new writ ordered, April 14, 1783, he was re-elected; made attorney-general to his majesty; a new writ ordered, November 17, 1783, he was re-elected.

Liverpool. B. Gascoyne, jun.---Henry Rawlinson.

LEICESTERSHIRE. William Pochin.---John Peach Hungerford.

Leicester. Booth Grey.--John Darker; died, a new writ ordered, February 1784.--Shuckburgh Ashby.

LINCOLNSHIRE. Sir John Thorold.--Charles A. Pelham.

Lincoln. Sir Thomas Clarges; died, a new writ ordered, January 21, 1783.--John F. Cawthorne.--Robert Vyner.

Boston. Lord Robert Bertie; husband to the lady baroness Willoughby of Eresby, and deputy lord great chamberlain of England.---Sir Peter Burrell; succeeded his uncle as baronet. In 1796 he was created baron Gwydir of Gwydir in the county of Carnarvon.--Humphry Sibthorpe.

Great Grimsby. John Harrison.--Francis Eyre.

Stamford. Henry Cecil.---Sir George Howard.

Grantham. George Sutton; eldest son of lord George Sutton.--Francis Cockayne Cust; brother to lord Brownlow; counsel to the admiralty and navy; also to the University of Cambridge, and one of his majesty's counsel at law.

MIDDLESEX. John Wilkes.--George Byng; cousin to lord viscount Torrington.

Westminster. Charles J. Fox; uncle to lord Holland; made one of his majesty's principal secretaries of state; a new writ ordered, March 27, 1782, he was re-elected; again appointed to the same office; a new writ ordered, April 2, 1783, he was re-elected.--Sir George B. Rodney; admiral of the white, and rear-admiral of Great Britain; made a knight of the bath in 1786; created baron Rodney of Rodney Stoke in the county of Somerset; a new writ ordered, June 20, 1782.

London. Nathaniel Newnham; an alderman of London; lord mayor in 1784.---John Kirkman; an alderman of London; died before the meeting of the parliament, a new writ ordered, December 5, 1780.---John Sawbridge.---George Hayley; died, the Speaker gave notice in the London Gazette of September 14, 1781, that he would at the end of fourteen days from that date issue his warrant to the clerk of the crown to make out a new writ.--Frederick Bull; died, a new writ ordered, January 1784.--Sir Watkin Lewes; an alderman of London; lord mayor in 1781.--Brook Watson; an alderman of London.

MONMOUTHSHIRE. John Morgan.--John Hanbury.

Monmouth. Sir John Stepney; appointed envoy extraordinary to the court of Berlin.

NORFOLK. Thomas W. Coke.--Sir Edward Astley.

Norwich. Sir Harbord Harbord.---Edward Bacon.

Lynn Regis. Crisp Molineux.--Thomas Walpole.

Yarmouth. Richard Walpole.---Charles Townshend; appointed treasurer of the navy; a new writ ordered, April 4, 1783, he was re-elected.

Thetford. Richard Hopkins; made a commissioner of the admiralty, a new writ ordered, March 17, 1782.--Charles F. Scudamore; made steward of the three Chiltern Hundreds, a new writ ordered, March 28, 1782.--George earl of Euston; eldest son of the duke of Grafton.

Castle-Rising. John Chet. Talbot; made a lord commissioner of trade and plantations, a new writ ordered, December 20, 1781, he was re-elected; succeeded his uncle as baron Talbot, a new writ ordered, June 1781.--Sir James Erskine; a major of dragoons, now earl of Rosslyn.--Robert Macreth.

NORTHAMPTONSHIRE. Lucy Knightley.--Thomas Powys.

Peterborough. James Phipps.--Richard Benyon.

Northampton. G. Aug. lord viscount Althorpe; only son of earl Spencer; made a commissioner of the treasury; a new writ ordered, March 27, 1782, he was re-elected; made steward of the three Chiltern Hundreds in the county of Bucks; a new writ ordered, April 10, 1782, he was chosen for the county of Surrey.--Charles, lord Lucan; of the kingdom of Ireland; father-in-law to viscount Althorpe.--George Rodney; eldest son of sir George Bridges Rodney, bart.; an officer in the foot guards.

Brackley. John Wm. Egerton; eldest son of the bishop of Durham; a lieutenant-colonel of dragoons.--Timothy Caswell.

Higham-Ferrers. Frederick Montagu; made a commissioner of the treasury; a new writ ordered, March 27, 1782, he was re-elected; again appointed to the same office; a new writ ordered, April 4, 1783, he was re-elected, and soon after sworn a member of the most honourable privy council.

NORTHUMBERLAND. Lord Algernon Percy; heir to the barony of Lovaine of Alnwick in the county of Northumberland.--Sir William Middleton.

Newcastle-upon-Tyne. Andrew R. Bowes.--Sir Matt. W. Ridley.

Morpeth. Anthony Storer; made a commissioner of trade and plantations; a new writ ordered, June 3, 1781, he was re-elected; made secretary to his majesty's embassy at the court of Versailles, 1783.--Peter Delmé.

Berwick-upon-Tweed. John Vaughan.--Sir John H. Delaval; created lord Delaval in the kingdom of Ireland, September 1783.

NOTTINGHAMSHIRE. Lord E. C. C. Bentinck.--Charles Medows; nephew to the late duke of Kingston.

Nottingham. Daniel P. Coke; brother to the member for Norfolk.--Robert Smith.

East Retford. Lord John P. Clinton; in December 1780 made a lord of the bedchamber to the prince of Wales; died, a new writ ordered, December

1781.--Thomas, earl of Lincoln; eldest son of the duke of Newcastle; a lieutenant-colonel in the army; made aide-de-camp to the king; made colonel of a regiment of light dragoons.--Wharton Amcotts.

Newark. Lord George Sutton; uncle to the duke of Rutland; died, a new writ ordered, January 21, 1783.--J. Manners Sutton; son of the deceased member; has a company in the foot guards.--Sir Henry Clinton.

OXFORDSHIRE. Philip lord viscount Wenman.--Lord Charles Spencer; appointed one of the vice-treasurers of Ireland; a new writ ordered, December 6, 1782, he was re-elected.

Oxford University. Sir Roger Newdigate.--Francis Page.

Oxford. Peregrine Bertie.--Lord Robert Spencer; made one of the vice-treasurers of Ireland; a new writ ordered, May 24, 1782, he was re-elected.

Woodstock. George viscount Parker.--William Eden; made secretary to the lord lieutenant of Ireland; in 1780 made one of the vice-treasurers of Ireland; a new writ ordered, April 4, 1783, he was re-elected, and sworn a member of the privy council.

Banbury. Frederick lord North; made one of his majesty's principal secretaries of state; a new writ ordered, April 2, 1783, he was re-elected; made lord lieutenant and custos rotulorum of the county of Somerset; elected chancellor of the University of Oxford.

RUTLANDSHIRE. Geo. B. Brudenell.--Thomas Noel.

SALOP. Noel Hill; soon after the dissolution of this parliament he was created baron Berwick of Altringham in the county of Salop.--Richard Hill; succeeded his father as baronet in 1783.

Shrewsbury. Sir Charles Leighton.--William Pulteney.

Bridgenorth. Thomas Whitmore.--Hugh Pigot; made a commissioner of the admiralty; a new writ ordered, March 27, 1782, he was re-elected.

Ludlow. Edward Clive; succeeded his father as lord Clive in 1774; lord lieutenant and custos rotulorum of the county of Salop.--Frederick Cornwall; a captain in the navy; died, a new writ ordered, May 2, 1783.

Great Wenlock. Thomas Whitmore; made his election for Bridgenorth; a new writ ordered, Nov. 1780.--George Forester.--Sir Henry Bridgman.

Bishop's Castle. William Clive.--Henry Strachey; under secretary to the right hon. Thomas Townshend, one of his

majesty's principal secretaries of state; made storekeeper to the ordnance; a new writ ordered, April 3, 1783, he was re-elected.

SOMERSETSHIRE. Sir John Trevelyan.--Richard Hipesley Coxe.

Bristol. Sir Henry Lippincott; died, a new writ ordered, January 1781.--Geo. Daubeney.--Matthew Brickdale.

Bath. Abel Moysey; made a Welsh judge; a new writ ordered, November 20, 1777, he was re-elected.--John Jeffries Pratt; only son of lord Camden; a teller of the Exchequer; made a commissioner of the admiralty; a new writ ordered, July 10, 1782, he was re-elected; again made a commissioner of the admiralty; a new writ ordered, December 24, 1783, he was re-elected.

Wells. Robert Child; died; the Speaker issued his warrant to the clerk of the crown to make out a new writ, Aug. 11, 1782.--John Curtis.--Clement Tudway.

Taunton. John Roberts; a major-general in the army on half-pay; died, a new writ ordered, February 1782.--Benjamin Hammett; a banker and an alderman of London, afterwards knighted.--John Halliday.

Bridgewater. Anne Poulett.--Benjamin Allen; not duly elected.--John Acland; duly elected, and ought to have been returned.

Minehead. Francis F. Luttrell; made steward of the three Chiltern Hundreds, in the county of Buckingham.--Henry Beaufoy.--John F. Luttrell.

Ilchester. Peregrine Cust.-----Samuel Smith.

Milborn Port. John Townson; a director of the East India Company.--Thomas H. Medlycott; made steward of the three Chiltern Hundreds, in the county of Buckingham; a new writ ordered, November 1781.--John Pennington; eldest son of sir Joseph Pennington, bart.; created baron Muncaster, in the kingdom of Ireland, September 1783.

SOUTHAMPTON. Robt. Thistlethwaite.--Jervoise C. Jervoise.

Winchester. Lovel Stanhope; clerk comptroller of the board of green cloth; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, October 9, 1783.--H. Flood; a member of his majesty's most honourable privy council in Ireland.--Henry Penton.

Southampton. Hans Sloane; a commissioner of trade and plantations.--John Fuller.

Portsmouth. Sir William Gordon; accepted of a pension during pleasure; a new writ ordered, 1783.--Thomas

Erskine; second brother to the earl of Buchan, and king's counsel.--Robert Monckton; died, a new writ ordered, June 1782.--Sir H. Fetherstonhaugh.

Yarmouth. (I. W.) Edward Morant.--Edward Rushworth; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, 1781.--Sir Thomas Rumbold.

Petersfield. William Jolliffe; made a commissioner of the admiralty; a new writ ordered, April 7, 1783, he was re-elected.--Thomas Samuel Jolliffe.

Newport. (I. W.) John St. John; brother to viscount Bolingbroke; surveyor of the crown lands.--Sir R. Worsley.

Stockbridge. John Luttrell.--James Luttrell; made a captain in the navy, February 1781.

Newton. (I. W.) E. Meux Worsley; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, September 24, 1782.--Henry Dundas; treasurer of the navy; in this parliament before for the county of Edinburgh; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, December 22, 1782, he was elected for the county of Edinburgh.--Richard P. Arden; solicitor-general to his majesty; again made solicitor general to his majesty; a new writ ordered, December 26, 1783, he was re-elected.--John Barrington; eldest son of sir Fitzwilliam Barrington, bart.

Christ Church. Sir James Harris; son of the other member; envoy extraordinary and plenipotentiary to the court of Russia, and made knight of the bath. James Harris; died, a new writ ordered, January 23, 1781.--John Frederick; son of sir John Frederick, to whose title he succeeded in 1783.

Lymington. Thomas Dammer.--Edward Gibbon; a commissioner of trade and plantations; author of "The History of the Decline and Fall of the Roman Empire."--Harry Burrard; son of sir Harry Burrard.

Whitchurch. George viscount Middleton.--T. Townshend; made secretary at war; a new writ ordered, March 27, 1782, he was re-elected; made one of his majesty's principal secretaries of state; a new writ ordered, July 10, 1782, he was re-elected; created baron Sydney of Chiselhurst in the county of Kent; a new writ ordered, March 7, 1783, afterwards viscount Sydney.--William Selwyn; one of his majesty's counsellors at law.

Andover. Benjamin Lethuillier.----Sir John Griffin Griffin.

STAFFORDSHIRE. Sir John Wrottesley; made a major-general in 1782, and in October 1784, made colonel of a regiment of foot.—George, viscount Lewisham; eldest son of the earl of Dartmouth; made one of the gentlemen of the bed-chamber to the prince of Wales in May 1782; made warden of the stannaries in 1789.

Litchfield. Thomas Gilbert.—George Anson.

Stafford. Edward Monckton; uncle to viscount Galway of Ireland.—Richard B. Sheridan.

Newcastle-under-Line. George, viscount Trentham.—Arch. Macdonald; brother to lord Macdonald of Ireland, one of his majesty's counsellors at law, and a Welsh judge; son-in-law to earl Gower.

Tamworth. John Courtenay; secretary to the master-general of the ordnance; made surveyor of the ordnance; a new writ ordered, April 23, 1783, he was re-elected.—Anthony Chamier; died, a new writ ordered, November 1, 1780.—John Calvert; son to the member for Hertford; secretary to the lord chamberlain.

SUFFOLK. Sir John Rous.—Sir C. T. Bunbury.

Ipswich. Thomas Staunton.—William Wollaston.

Dunwich. Barne Barne.—Sir Ger. W. Van Neck.

Orford. Francis viscount Beauchamp.—Robert S. Conway.

Aldborough. Martin Fonnereau.—Philip C. Crespigny; procurator-general to his majesty in Doctors Commons and admiralty courts.

Sudbury. Sir Patrick Blake.—Philip C. Crespigny; not duly elected.—Sir James Marriot; duly elected, and ought to have been returned; judge of the high court of admiralty.

Eye. Arn. James Skelton; brother-in-law to earl Cornwallis; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, March 25, 1782.—W. Cornwallis.—Rich. B. Phillipson; made a major-general in 1779, and a lieutenant-general in 1787.—Rich. B. Phillipson.

St. Edmund's Bury. H. S. Conway; made commander in chief of the land forces in Great Britain, March 27, 1782.

SURREY. Augustus Keppel; uncle to the earl of Albemarle; admiral of the blue, and one of the elder brethren of the Trinity house; made first lord of the admiralty, and soon after created viscount Keppel of Clevedon in the county of Suffolk; a new writ ordered, March 27, 1782.—G. John, viscount Althorpe; only son

of earl Spencer; one of the commissioners of the treasury; before in this parliament for the borough of Northampton; succeeded his father as earl Spencer; a new writ ordered, November 11, 1783.—Sir Robert Clayton; before in this parliament for Blechingly.—Sir Joseph Mawbey.

Southwark. Sir Richard Hotham.—Nathaniel Polhill; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, September 14, 1782.—Henry Thornton.

Blechingly. John Kenrick; clerk of the deliveries of the ordnance.—Sir Robert Clayton.—John Nicholls.

Ryegate. John Yorke.—Sir Charles Cocks; on the dissolution of this parliament he was created lord Sommers, baron of Evesham in the county of Worcester.

Guilford. George Onslow.—Sir F. Norton; created lord Grantley, baron of Markenfield in the county of York; a new writ ordered, March 27, 1782.—Chapell Norton; third son of lord Grantley; has a company in the foot guards.

Gatton. Robert Mayne; died, and the Speaker issued his warrant for a new writ to the clerk of the crown, 1781.—Maurice Lloyd.—William lord Newhaven of Ireland.

Haslemere. Sir James Lowther; made his election for the county of Cumberland.—Walter S. Stanbope.—Edward Norton; fourth son of sir Fletcher Norton; a barrister at law.

SUSSEX. Thomas Pelham; eldest son of lord Pelham; made surveyor-general of the ordnance; a new writ ordered, April 21, 1782, he was re-elected; appointed chief secretary to the lord lieutenant of Ireland (earl of Northington), and sworn of the privy council there, May 1783.—Lord George H. Lenox; made constable of the Tower of London, and sworn of the privy council, February 1784.

Chichester. William Keppel; died, a new writ ordered, March 4, 1782.—Percy Wyndham; next brother to the earl of Egremont; recorder in chancery in the island of Jamaica, and secretary and clerk of the courts in the island of Barbadoes.—Thomas Steele.

Horsham. James Wallace; again made attorney-general to his majesty; a new writ ordered, April 15, 1783, he was re-elected; died, a new writ ordered, November 21, 1783.—James Craufurd; has a company in the foot guards, and one of the equerries to the queen.—George viscount Lewisham; eldest son of the earl of Dartmouth; made his election for the county of Stafford; a new writ ordered, November 1, 1780.—

Sir George Osborne; lieutenant-colonel of the 3d regiment of foot guards; a major-general, and one of the grooms of his majesty's bedchamber.

Midhurst. John St. John; made his election for Newport in the county of Southampton; a new writ ordered, November 1, 1780.--Sir Sampson Gideon.--Henry Drummond; a banker in Westminster.

Lewes. Henry Pelham; second son of lord Pelham; an officer in the foot guards.--Thomas Kempe; a serjeant at law.

Shoreham. Sir Cecil Bishopp.--John Peachey; eldest son of sir James Peachey, bart.

Bramber. Thos. Thoroton; made agent to the Leicestershire militia; a new writ ordered, January 28, 1782.--Hen. F. Stanhope; brother to the earl of Harrington; has a company in the foot guards; appointed secretary to the master-general of the ordnance (duke of Richmond) in July 1782.--Sir Henry Gough.

Steyning. Sir T. G. Skipwith.--Filmer Honeywood; made his election for the county of Kent; a new writ ordered, November 1, 1780.--John Bullock.

East Grinstead. Lord Geo. S. Germaine; created viscount Sackville, and baron Drayton of Drayton in the county of Northampton; a new writ ordered, February 12, 1782.--Henry A. Herbert; son-in-law to viscount Sackville.--Sir J. Irwin; made steward of the three Chiltern Hundreds; a new writ ordered, April 21, 1783.--George Medley.

Arundel. Sir Patrick Cranford; not duly elected; a new writ ordered, March 12, 1781.--Peter Wm. Baker.--Thomas Fitzherbert.

WARWICKSHIRE. Sir Robert Lawley.--Sir G. A. W. Shuckburgh.

Coventry. Sir Thomas Halifax; Thomas Rogers; not duly elected.--John B. Holroyd; duly elected, and ought to have been returned; created baron Sheffield of Ireland in December 1780.--Edward Roe Yoe; duly elected, and ought to have been returned; died, and the Speaker issued his warrant to the clerk of the crown to make out a new writ, January 10, 1783.--William S. Conway; fifth son of the earl of Hertford; an officer in the army.

Warwick. Charles F. Greville; made treasurer of his majesty's household; a new writ ordered, April 7, 1783, he was re-elected.--Robert Ladbroke.

WESTMORELAND. James Lowther.--Sir Michael Le Fleming.

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Appleby. William Lowther; made his election for Carlisle; a new writ ordered, November 1, 1780.--William Pitt; brother to the earl of Chatham; made chancellor and under-treasurer of the Exchequer; a new writ ordered, July 10, 1782, he was re-elected; made first lord commissioner of the treasury, and chancellor and under-treasurer of the Exchequer; a new writ ordered, December 29, 1783, he was re-elected.--Philip Honeywood; made a general in the army in 1777.

WILTSHIRE. Charles Penruddock.--Ambrose Goddard.

New Sarum. W. H. Bouverie.--William Hussey.

Wilton. George, lord Herbert; only son of the earl of Pembroke; a lieutenant-colonel of dragoons.--W. G. Hamilton; chancellor of the Exchequer in Ireland, and a privy counsellor there.

Downton. Henry S. Conway; second son of the earl of Hertford; clerk of the hanaper in Ireland, and constable of the castle of Dublin.--Robert Shaftoe.

Hindon. Lloyd Kenyon; chief justice of Chester; made attorney-general to his majesty; a new writ ordered, December 26, 1783, he was re-elected.--Nathaniel W. Wraxall.

Heytesbury. William Eden; made his election for Woodstock; a new writ ordered, November 1780.--Francis Burton; a king's counsellor at law.--W. A'Court Ashe; died, and the Speaker issued his warrant to the clerk of the crown for a new writ, August 26, 1781. W. P. A'Court Ashe.

Westbury. John W. Gardiner; created a baronet of Great Britain, December 28, 1782.--Samuel Estwick; made secretary and register to Chelsea hospital; a new writ ordered, March 20, 1783, he was re-elected; again appointed to the same offices; a new writ ordered, December 26, he was re-elected.

Calne. John Dunning; made chancellor of the duchy of Lancaster, and soon after created baron Ashburton of Ashburton in the county of Devon; a new writ ordered, March 27, 1782.--James Townsend; an alderman of London, lord mayor in 1773.--Isaac Barré; made treasurer of the navy; a new writ ordered, March 27, 1782, he was re-elected; made paymaster-general of the land forces; a new writ ordered, July 10, 1782, he was re-elected.

Devizes. Sir James Tyl. Long.--Charles Garth; made a commissioner of the excise; a new writ ordered, December 1780.--Henry Jones.

Chippenham. Giles Hudson; a merchant

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in London; died, a new writ ordered, February 20, 1783.--George Fludyer.--Henry Dawkins.

Malmesbury. George viscount Lewis-ham; eldest son of the earl of Dartmouth.--Arthur viscount Fairford; eldest son of the earl of Hillsborough.

Cricklade. John M'Pherson; not duly elected, a new writ ordered.--John M'Pherson; made governor-general of Bengal; a new writ ordered, May 28, 1782.--Geo. R. St. John; eldest son of viscount Bolingbroke.--Paul Benfield.

Great Bedwin. Sir Merrick Burrell.--Paul Methuen; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, February 1781.--Paul Cobb Methuen.

Luggershall. Penystone, viscount Melbourne.--George Aug. Selwyn; surveyor of the meltings, and clerk of the irons in the mint, and register in the court of chancery in the island of Barbadoes; made surveyor of the crown lands; a new writ ordered, December 26, 1782, he was re-elected.

Old Sarum. Thomas Pitt; created lord Camelford; baron of Boconnie in the county of Cornwall; a new writ ordered, December 26, 1783.--John C. Villiers; second son of the earl of Clarendon; joint king's counsel in the duchy court of Lancaster.--Pinckney Wilkinson; died, a new writ ordered, March 5, 1784.--George Hardinge; solicitor-general to the queen.

Wotton Bassett. William Strahan; joint king's printer.--Henry St. John; a major-general, and colonel of a regiment of foot.

Marlborough. James earl of Courtown; of Ireland; a gentleman of the bed-chamber to the prince of Wales.--William Woodley.

WORCESTERSHIRE. Edward Foley.--William Lygon.

Worcester. William Ward; brother of viscount Dudley and Ward.--Thomas Bates Rous.

Droitwich. Andrew Foley.--Edward Winnington.

Evesham. Charles W. B. Rouse; made secretary to his majesty's commissioners for the management of affairs in the East Indies, 1784.--Sir John Rushout.

Bewdley. Wm. Henry, lord Westcote.

YORKSHIRE. Henry Duncombe.--Sir George Savile; made steward of the Chiltern Hundreds; a new writ ordered, December 10, 1783.--Francis F. Foljambe.

York. Lord John Cavendish; made chancellor and under treasurer of the

Exchequer; a new writ ordered, March 27, 1782, he was re-elected.--Charles Turner; created a baronet of Great Britain, April 13, 1782; died, a new writ ordered, November 11, 1783.

Kingston-upon-Hull. Lord Robert Manners; died, a new writ ordered, May 31, 1782.--Daniel Hartley.--William Wilberforce.

Knaresborough. R. B. Walsingham; made a colonel of marines; sent commodore of a squadron to Jamaica, on which station he was drowned in the great storm, October 1780; a new writ ordered, June 1781.--James Hare.--William viscount Duncannon; only son of the earl of Besborough; made a commissioner of the admiralty; a new writ ordered, March 7, 1782, he was re-elected; again appointed to the same office, April 27, 1783, he was re-elected.

Scarborough. Charles Phipps.--George earl of Tyrconnel.

Rippon. William Aislabie; died, a new writ ordered, May 24, 1781.--William Lawrence.--Frederick Robinson; brother to lord Grantham.

Richmond. James marquis of Graham; only son of the duke of Montrose; made a commissioner of the treasury; a new writ ordered, December 26, 1783, he was re-elected.--Sir L. Dundas; made his election for the city of Edinburgh; a new writ ordered, March 22, 1781.--George Fitzwilliam; only brother to earl Fitzwilliam; an officer in the life guards.

Heydon. William Chaytor.--Christopher Atkinson; a merchant in London; expelled the House for perjury; a new writ ordered, December 4, 1783.--Stephen Lushington.

Borough-Bridge. Charles Ambler; king's counsellor at law, and attorney-general to the queen.--Anthony Eyre.

Malton. William Weddell.--Savile Finch; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, November 1780.--Edmund Burke; made paymaster-general of the land forces; a new writ ordered, March 27, 1782, he was re-elected.

Thirsk. Sir Thomas Gascoigne.--Beilby Thompson.

Aldborough. Sir Richard Sutton; made his election for Sandwich; a new writ issued, November 1, 1780.--Edward Onslow; second son of lord Onslow; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, May 30, 1781.--Sir Samuel B. Fludyer.--Charles Mellish; made steward of the three

Chiltern Hundreds in the county of Buckingham; a new writ ordered, January 12, 1784.--John Galley Knight.

Beverley. Sir James Pennyman.--Evelyn Anderson; a lieutenant of dragoons; made a lieutenant in the foot guards; made a major of a regiment of foot.

Northallerton. Henry Pierse.---Daniel Lascelles; made steward of the manor of East Hendred in the county of Berks; a new writ ordered, November 1780.--Edwin Lascelles.

Pontefract. Robert viscount Galway; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, February 8, 1783, he was chosen for York city.--Nathaniel Smith; deputy chairman of the directors of the East India Company; not duly elected.--John Smyth; son-in-law to the duke of Grafton; duly elected, and ought to have been returned.--William Nedham.

CINQUE PORTS.

Hastings. Henry, viscount Palmerston; made a commissioner of the treasury; a new writ ordered, December 1777, he was re-elected.--John Ord; attorney-general of the duchy court of Lancaster, and a master in chancery.

Dover. John Henniker; succeeded his father-in law, sir John Major, as baronet in --John Trevanion.

Sandwich. Philip Stephens.--Sir Richard Sutton; a commissioner of the treasury.

Hythe. William Evelyn.---Sir Charles Farnaby; changed his name to Radcliffe in 1783.

New Romney. Sir Edward Deering.--John Smith; solicitor to the East India Company; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, June 9, 1784.

Rye. Thomas Onslow.--William Dickenson.

Winchelsea. John Nesbitt.--Charles W. Cornwall; chosen Speaker of this parliament.

Seaford. John Robinson; made his election for Harwich; a new writ ordered, November 2, 1780.--Christ. D'Oyley.--John Durand.

WALES.

ANGLESEA. Thomas James, viscount Bulkeley; on the dissolution of this parliament he was created baron Bulkeley of Beaumaris, in the county of Anglesey.

Beaumaris. Sir George Warren; father-in-law to viscount Bulkeley.

BRECONSHIRE. Charles Morgan.

Brecon. Sir Charles Gould.

CARDIGANSHIRE. Wilmot, earl of Lisburne.

Cardigan. John Campbell.

CARMARTHENSHIRE. John Vaughan.

Carmarthen. George Phillips.

CARNARVONSHIRE. John Parry; attorney-general for North Wales circuit, and constable of Conway castle.

Carnarvon. Glynn Wynn; made receiver-general of the king's quit rents in North Wales; a new writ ordered, July 5, 1781, he was re-elected.

DENBIGHSHIRE. Sir Watkin Williams Wynne.

Denbigh. Richard Myddelton.

FLINTSHIRE. Sir Roger Mostyn.

Flint. Watkin Williams.

GLAMORGANSHIRE. Charles Edwin.

Cardiff. Sir Herbert Mackworth.

MERIONETHSHIRE. Evan Lloyd Vaughan.

MONTGOMERYSHIRE. William Mostyn Owen.

Montgomery. Whitshed Keene; a commissioner of trade and plantations; made master of his majesty's board of works; a new writ ordered, June 5, 1777, he was re-elected; made a commissioner of the admiralty; a new writ ordered, April 7, 1783, he was re-elected.

PEMBROKESHIRE. Hugh Owen; succeeded his father as baronet.

Pembroke. Hugh Owen.

Haverford West. William, lord Kensington.

RADNORSHIRE. Thomas Johnes.

Radnor. (D. R.) Edward Lewis; duly elected, and ought to have been returned.--John Lewis.

SCOTLAND.

SHIRES OF

Aberdeen. Alexander Garden.

Ayr. Hugh Montgomery; not duly elected.---Sir Adam Ferguson; duly elected, and ought to have been returned; made a commissioner of trade and plantations; a new writ ordered, December 22, 1781, he was re-elected.

Argyle. Lord Frederick Campbell; second brother to the duke of Argyle; lord register of Scotland.

Banff. James, earl Fife.

Berwick. Hugh Scott; nephew to the earl of Marchmont, not duly elected, and his election being declared void, a new writ ordered.--Hugh Scott.

Caithness and Bute. John Sinclair.

Kinross and Clackmannan. George Graham.

Cromartie and Nairn. George Ross.

Dumfries. Sir Robert Laurie; made a lieutenant-colonel of dragoons.

Dunbarton. Lord Frederick Campbell; brother to the duke of Argyle; lord register of Scotland; not duly elected.--George Keith Elphinstone; third son of lord Elphinstone; a captain in the navy; duly elected, and ought to have been returned; in 1783 made secretary to the prince of Wales for Scotland.

Edinburgh. Henry Dundas; in July 1782, he was made treasurer of the navy; he was re-chosen for the borough of Newton in the county of Southampton; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, Dec. 10, 1782, he was re-chosen for this county; again made treasurer of the navy; a new writ ordered, December 24, 1783, he was re-elected.

Elgin. Lord William Gordon; made vice-admiral of Scotland; a new writ ordered, March 26, 1782, he was re-elected.

Fife. Robert Skene; a major-general, and colonel of a regiment of foot.

Forfar. William, earl Panmure; died, a new writ ordered, January 21, 1782.--Archibald Douglas; nephew and heir to the late duke of Douglas.

Haddington. Hew Dalrymple; eldest son of sir Hew Dalrymple.

Inverness. Simon Fraser; died, a new writ ordered, February 11, 1782.--Archibald Campbell Fraser; brother to the deceased member.

Kincardine. Lord Adam Gordon; made colonel of the 1st or royal regiment of foot in 1782.

Kirkcudbright. Peter Johnstone; his election declared void; a new writ ordered, March 5, 1781.--John Gordon; not duly elected.--Peter Johnstone; duly elected, and ought to have been returned.

Lanark. Andrew Stuart; made clerk register of sasines in Scotland; a new writ ordered, 1781, he was re-elected.

Linlithgow. Sir William Augustus Cunningham.

Orkney. Robert Baikie; not duly elected.--Charles Dundas; second son of Thomas Dundas, esq.; a counsellor at law; duly elected, and ought to have been returned.

Peebles. Alexander Murray; his majesty's solicitor-general for Scotland; made a lord of session and justiciary; a new writ ordered, February 28, 1783.--Alexander Murray; nephew of lord Elibank, now lord Elibank.

Perth. James Murray; made a major-general.

Renfrew. John Schaw Stewart; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, July 15, 1783.--William M'Dowall.

Ross. John Mackenzie; commonly called lord Macleod, as heir to the attainted earl of Cromarty; colonel of a highland regiment of foot, and a major-general.

Roxburgh. Sir Gilbert Elliot.

Selkirk. John Pringle.

Stirling. Thomas Dundas; succeeded his father as baronet in October 1781.

Sutherland. James Wemyss.

Wigton. Keith Stewart.

Edinburgh City. William Miller; not duly elected.--Sir Lawrence Dundas; duly elected, and ought to have been returned; died, and the Speaker issued his warrant for a new writ to the clerk of the crown, October 12, 1781.--James Hunter Blair; a banker in Edinburgh.

BURGHES OF

Kirkwall, &c. Charles Ross; lieutenant-colonel of the 39th regiment of foot; made colonel of a regiment of foot.

Inverness, &c. Sir Hector Munro; barrack-master-general for Scotland; made a major-general in 1782.

Elgin, &c. Staats Long Morris; made a lieutenant-general in November 1782.

Aberdeen, &c. Adam Drummond.

Forfar, &c. George Dempster.

Crail, &c. Sir John Anstruther; made steward of the three Chiltern Hundreds in the county of Buckingham; a new writ ordered, December 2, 1782.--John Anstruther; second son of sir John Anstruther, bart.; a counsellor at law, and receiver of the bishops' rents in Scotland.

Kirkaldy, &c. John Henderson; eldest son of sir John Henderson, bart.; succeeded his father as baronet in 1782.

Inverkeithing, &c. James Campbell; brother of the late member; knighted in 1788.

Glasgow, &c. John Craufurd; chamberlain of the county of Fife.

Selkirk, &c. Sir James Cockburne.

Haddington, &c. Francis Charteris.

Dumfries, &c. Sir Robert Herries; a banker in London.

Wigton, &c. William Adam; treasurer of the ordnance; again appointed to the same office; a new writ ordered, April 9, 1783, he was re-elected.

Ayr, &c. Sir Archibald Edmonstone.

SIXTEEN PEERS OF SCOTLAND.

Duke of Gordon,
 Queensbury,
 Athol,
 Marquis of Lothian,
 Earl of Glencairn,
 Eglintoun,
 Cassilis,
 Abercorn,
 Galloway,
 Loudoun; died in 1782, (earl of
 Lauderdale in his stead)
 Dalhousie,
 Aberdeen,
 Dunmore,
 Marchmont,
 Roseberry,
 Viscount Stormont.

Debate in the Commons on the Choice of a Speaker.] The Commons being returned to their House,

Lord George Germain rose, and addressed himself to Mr. Hatsell (the clerk), said the business first to be proceeded upon, was that which his Majesty had been pleased to direct, which was the choice of a Speaker. His lordship then descanted on the duties of a Speaker, and the necessary qualifications for executing the office. He said, to be capable of filling the chair with dignity, the person proposed must understand the constitution of the state, be well acquainted with the law of the land, and, above all, be perfectly master of the law of parliament. He must have a zealous attachment to the rights and privileges of the Commons of England, and a sufficient degree of ability and integrity to support, maintain, and defend them; he must be diligent without being precipitate, and firm and decisive without being arbitrary or rash; and that, which he considered as a Speaker's most important duty, was his conducting himself with the strictest impartiality on every occasion.

The late worthy Speaker, his lordship remarked, had, for nearly two parliaments, gone through the duties of his high office, with great honour, great diligence, and great dignity; the office, he said, was a very laborious one, and required full health and vigour; the right hon. gentleman who last filled the chair, when he was first elected to that high situation, was in possession of every qualification both of body and mind, which the duties of the office called for; but the House had, unhappily for the right hon. gentleman, and unhappily for the public, been witnesses in the course of the last session, that the right

hon. gentleman's constitution was much impaired. It would, therefore, neither be decent in him, nor would it become the House, to shew so little gratitude and respect to the right hon. gentleman for his many and acknowledged services, were he to propose, or they to adopt the proposition for the putting that gentleman again into a situation, the fatigue of which were too heavy a burthen to be imposed on him, considering his precarious state of health. For that reason, and from that consideration only, it was that he had turned his mind to another gentleman, and meant to conclude what he had to say with a motion, proposing that gentleman to fill the chair. His lordship trusted that when he named Mr. Cornwall, all those who had sat in former parliaments would think he named a gentleman possessed of those qualifications which were requisite for the due execution of the duties of the chair. Mr. Cornwall, before he came into that House, had done his country essential service, and acquired great personal honour by the very able and active share he took in the adjustment of some public accounts, submitted to the investigation of certain persons commissioned for that purpose; Mr. Cornwall had also sat several years in parliament, was well acquainted with the law of the land, the law of parliament, and all the forms, orders, and rules of proceeding peculiar to that House; he therefore flattered himself that it would not be thought, that he made an improper motion, when he proposed Charles Wolfran Cornwall, esq.

Mr. Welbore Ellis seconded the motion, and said, that although the noble lord, by so fully stating to the House the duties of the office, the qualifications requisite for the person chosen to fill the chair, and the praises due to the late worthy Speaker, had left him little to say, he could not content himself with merely seconding the motion. He then went into a discussion on the subject, under the three heads of, the nature and importance of the office itself, the compliments and thanks merited by sir Fletcher Norton for his able discharge of it, while he held it, and the reasons for expecting that Mr. Cornwall would prove capable of filling it to the satisfaction of the House and to his own honour. With regard to the first, he said it was an office of considerable dignity, and of great emolument; that the duties of it were laborious, and he that filled it must expect to be in some degree a sufferer, in

proportion to the good the House and the public derived from the exercise of his talents and the constant employment of his mind. This sort of exchange of health and honour, he observed, no elevated situation was free from, and therefore, though he sincerely lamented, that the late Speaker should last session have had occasion to complain of the impression made upon his constitution by the fatigues of his situation, he could not but own, he considered it as a natural consequence, and as it was a proof that his country was the more indebted to the right hon. gentleman for his services, he thought it necessary, now an opportunity offered, to afford him the relief the House had in its power, by choosing another Speaker. Considering the critical situation of public affairs, there would undoubtedly be many debates in that House, and possibly there might arise much contention; the person to be elected Speaker, ought therefore, exclusive of a competent share of knowledge of the common law, and the law of parliament, to possess temper to allay heats, prudence to prevent irregularities, and spirit and firmness to repress the rising storms of passion and contest. With this view it was that he looked upon Mr. Cornwall as a proper successor to sir Fletcher Norton.

Mr. *Dunning* expressed his astonishment, that the noble lord (North), had not risen, and saved him the trouble of proposing the late Speaker to continue in the chair. He was, he said, exceedingly surprised, on coming down to the House, to hear that it was generally understood that Mr. Cornwall was to be Speaker. There was no gentleman for whom he had a higher regard, nor for whose abilities he had more respect; and if the chair had been, in the fair and ordinary sense of the word, vacant, the proposition would not have met with the smallest objection from him; but at a time, when, in fact, there was no vacancy, when the late Speaker was in the House, and to all appearance as capable of executing the duties of the office, as much to the satisfaction of the House, and as much to the honour of himself, as ever, (and no man could execute the duties of it more satisfactorily nor more honourably), it struck him as the most singular of all measures, to confess, as the noble lord and the hon. gentleman had done, that the late Speaker was the properest of all persons to fill the chair with dignity, and in the very moment of

making that confession, to propose another candidate. He had expected, when the bad health of sir Fletcher was urged as a ground for not continuing him in the chair, that either the noble lord, or the hon. gentleman would have stated to the House that sir Fletcher had formally applied to them, declaring his desire to resign the chair, and assigning as a reason for his so doing, that his health was in that impaired state, in which they had both declared it to be, although every man in the House could see, that if appearances were to be relied on, or if assurances were to be believed, sir Fletcher was as well, as fully in health, and as fully capable of going through the duties of the office, as ever he had been since he was first chosen. Mr. *Dunning* mentioned the happiness he had experienced in a long and intimate acquaintance with sir Fletcher, spoke of his character in terms of the warmest eulogy, and concluded his speech with moving, "that sir Fletcher Norton be called to the chair."

Mr. *Thomas Townshend* and sir Fletcher Norton rose together, but the former continuing on his legs, he was heard first.

Mr. *Thomas Townshend* began with apologizing for the seeming rudeness of his conduct in persevering in his endeavours to be heard before sir Fletcher, declaring that as he meant to second the motion just made by his hon. and learned friend, he thought it more regular to do it, previous to the right hon. gentleman's dropping any thing on the subject, than afterwards. He then warmly expostulated with the noble lord who made the first motion, on the singularity of it, and objected to Mr. Cornwall, as an improper person to fill the chair, were there any vacancy. He said he was, on the first view of the question, somewhat distressed for fear it might be considered as a personal one, and that, in consequence, any thing he might wish to offer, should be attributed to views very foreign from those with which he looked at the subject. He was happy, however, to find, that it would not be so considered, and as he meant to give no personal offence to any one, and least of all to the gentleman who was made the object of the motion offered by the noble lord, he would according to his custom speak out plainly and unreservedly. It had in former times, he observed, been always customary to see the chair of the House filled by men who were independent, and men who represented either a large county, or some

neighbouring borough. Mr. Onslow was no placeman. Mr. Cornwall held an office disposable at the pleasure of the crown, and was the representative of one of the Cinque Ports. The Cinque Ports, he was free to own, had as much right to have their member Speaker of the House of Commons, as any other place which sent members, but he must own he wished the person chosen Speaker not to be a member for one of the Cinque Ports. The Cinque Ports, as the late elections had shewn, were not allowed a free choice of their representatives; these were objections which might appear trivial to other men, but they struck him very forcibly. The office of Speaker ought to be filled by a person free from all influence of the crown. It was the first duty of the Speaker to guard the rights and privileges of the people, against the increased and increasing influence of the crown. Was Mr. Cornwall, a placeman at pleasure, a pensioner, and representative of one of the Cinque Ports, a fit guardian for the privileges of the people? And after all, why was there to be a new Speaker? It was confessed, even by those who proposed Mr. Cornwall, that no man could discharge the duties of the chair more satisfactorily, or with more dignity than sir Fletcher Norton. Why, then, change him, and appoint a successor? The noble mover and the hon. seconder, had both talked of his ill state of health, and the latter had been particularly diffuse in his praise; Good God! if sir Fletcher Norton was so worthy, why dismiss him from the chair? But there was another reason, a reason, which neither the noble lord, nor the hon. gentleman, though they had both of them expressed their wish that every Speaker should discharge his duty with impartiality, had thought proper to hint at. This lurking reason originated in sir Fletcher having exercised that very impartiality, which was so much enforced both by the noble mover and the seconder, it was this: sir Fletcher had made a speech on a memorable occasion,* which did him the highest honour; a speech, which proved his impartiality, as a Speaker, his zeal for his country, his feeling for the national distresses. That was the reason of the present attempt to disgrace and insult him; and as it was unmanly and illiberal, he trusted every member, young and old, those who sat in the old parliament, and

those who were newly chosen, would feel properly on the occasion, and join with him in supporting the motion of his hon. and learned friend.

Sir *Fletcher Norton* said, he had risen before, in order to save the House trouble, and tell them that he came down with his mind made up to the business of the day, and with a full resolution not to go into the chair again on any consideration. When he was first chosen Speaker, he brought into the chair a hale constitution; and such poor abilities as heaven had been pleased to bestow upon him were in their fullest vigour. The very great and increased duties of the office, had, as the House must have witnessed, impaired his constitution materially, and he feared, had weakened his intellects; his advanced years, as might naturally be supposed, not enabling him to resist the force of his disorder, but rather giving way to it. As a proof of what he had said, the public business had, in the course of last session, been twice interrupted, solely on account of his infirmities; he had then intimated a desire to resign, and his family knew that had the parliament sat another session, it was his resolution to ask leave to resign the chair to some more healthy successor. He therefore thanked his hon. and learned friend for the high opinion he entertained of him, and for the motion he had made to reinstate him, but he must beg leave to decline acceding to that proposition. If he was so happy as to be honoured with an election, his returning to the chair would appear strange to the public; it would be asked, why a man, confessedly too infirm for the office, would undertake it? and some persons perhaps would be ill-natured enough to say, that he was ready to receive the emoluments, though not equal to the discharge of the duties of the place. Under these circumstances he must repeat, that it was his determination to decline all thoughts of it, and to assure the House, that though he had sat in the chair for nearly two parliaments, and though his health was very greatly impaired, in consequence of the fatigue of public business, his fortune was not bettered. He was happy in seeing so many members of the late parliament present, and took that opportunity of returning his most grateful thanks for all their goodness to him, the impression of which was his chief happiness, and could never be erased from his mind. He begged leave also to thank the noble lord who made the motion

* See Vol. 19, p. 213.

for the election of a new Speaker, and his hon. friend who seconded it, for the many handsome things they had said of him; but he should be an idiot indeed, if he could possibly imagine he merited such compliments, or that his state of health, of which none of the King's ministers had ever received the smallest intimation from him, was the real cause of their moving for a new Speaker, without saying a word upon the subject previously to him. Every man, he was sure, who had the least pretensions to understanding, went before him in feeling that a consideration of his state of health was not the true motive for the present measure. In the course of the last session, when his ill health obliged him to put a temporary stop to the public business, he had, contrary to the advice of his physicians, and at the peril of his life, come down to that House in order to dispatch the affairs then under consideration. He had, when almost overwhelmed with infirmity, struggled hard to forward the business of parliament, and he had done so at the particular instance of those, who moved to have another gentleman appointed Speaker. This was usage he did not expect, and he thought he had a right to very different treatment. With regard to the gentleman proposed, no man thought more highly of his integrity and his abilities than he did; he sincerely hoped neither the abilities of the hon. gentleman, nor his qualifications to fill the chair, might be mentioned in comparison with such abilities and such qualifications as nature had bestowed upon him, because, if they were, he was confident he should be a considerable sufferer. He approved of that gentleman fully, but as the House must be beforehand with him in seeing through the fallacy of the reasons stated by the noble lord, as the grounds of the motion, and as it was an insult to the understanding of every gentleman present, to pretend, that an anxiety for his health was the real cause for moving that another Speaker might be chosen, he called upon the noble lord and upon his hon. friend to tell him, why he was thus disgracefully dismissed? If his conduct in the chair had been objectionable, if it had been criminal, let the criminality be fully known, and let exemplary punishment follow, if there could be any punishment more severe than public disgrace. He should be content, when the fact was undisguisedly acknowledged, and his offence publicly urged; and he could

not but think he had a claim upon the noble lord and his hon. friend for this explanation; an explanation which he pressed for the more earnestly, because he did assure the House, upon his honour, that though he had been in town three days, he had never been asked whether his health would enable him to continue in the chair, should the House approve of his continuing there; nor had he been applied to, either directly or indirectly, on the subject of choosing a new Speaker.

Mr. Fox strongly arraigned the ministers for having made it a system, during their continuance in office, to disgrace every dignified character in the kingdom, and especially to insult and vilify those men whose conduct the House of Commons approved. He gave as instances the treatment of his honourable relation, admiral Keppel, and the treatment of the late Speaker. He paid sir Fletcher the highest compliments, and said, the real and the pretended cause for removing him from the chair, reminded him of a former debate in the last parliament, when a noble lord had mentioned, that the German states, in their treaties and public acts, always made a distinction between the *ratio suasoria* and the *ratio justificata*. In the present case, the *ratio suasoria* was an obvious fallacy, and the *ratio justificata* the worst that could possibly be urged. The noble lord who made the motion had filled his speech with empty compliments on sir Fletcher, and after asserting that he was the ablest man the House could choose to sit in the chair, had concluded his address with moving, that another gentleman might be elected to fill it; and the hon. gentleman who seconded the motion, had recommended it to the gentleman moved for, as sir Fletcher's successor, to copy the example of sir Fletcher, telling him in the most plain, positive, and direct terms, that his only chance of making a good Speaker, rested on his implicitly following the model of sir Fletcher Norton. Good God! said Mr. Fox, what pitiful shifts, what shallow arguments are the present ministry reduced to, when they come down to the House, and tell us that our late Speaker is the ablest man in the world, the fittest to fill the chair, and in the same breath, beg us to choose another gentleman Speaker! And why? Not because it is pretended that Mr. Cornwall is superior in ability to sir Fletcher Norton, it is not even said that he is equal, but because, if he copies sir Fletcher's conduct, he may

possibly discharge the duties of the chair with satisfaction to the House, and credit to himself! Would any other set of men in this or any other kingdom, grasp at a copy, merely because it may prove a tolerable one, when they can have the original? Sir Fletcher Norton, from any thing he has said this day, does not appear unqualified to take the chair; he is in good health now; and when, unhappily for his family and the public, he feels a relapse, it will then be sufficiently early to talk of a successor. Certainly to appoint one at this period, and under these circumstances, is not without a precedent, but it is extremely unusual, and therefore becomes singular. What will people without doors think? What will the world say? Will they not take this measure as an ill omen, as a bad beginning of the new parliament? Will they not see, that all the noble lord in the blue ribbon said last year, on the subject of the late Speaker's health, all his pathos, all his expressions of tenderness, which every body at that time, the greatest part of the House however, sincerely sympathized in, were nothing but empty words, compliments without meaning, and professions without foundation! Will they not say, that the true cause of such unparalleled ill treatment, is that speech alluded to by my hon. friend? a speech which did sir Fletcher the highest honour, and which was a noble and manly proof of his true regard for his country, and his feeling for her distresses. I desire, if I am in order, that the clerk may read the thanks of the House to the Speaker, which were almost unanimously resolved on that occasion, and they will then see the baseness of this attempt to disgrace a man whom the House has honoured. Let them add to the impression, the present conduct of ministers. Sir Fletcher feels himself insulted; he complains of the insult, and he demands, honestly demands to know the cause. Do ministers answer him? Does the noble lord in the blue ribbon speak out, and fairly avow the cause of his removal? No. He shifts his head in some sort out of the collar, he gets a colleague to make the motion for the dismissal of a man who had rendered himself offensive to him, because he nobly and manfully stood up for the people, and declared what afterwards appeared to be the sense of the House of Commons, "that the influence of the crown had increased, was increasing, and ought to be diminished;" and when he

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now appeals to the minister to avow his offence, and state the part of his conduct which had induced this attempt to disgrace him, the noble lord takes refuge in a cowardly silence. Mr. Fox continued speaking some time longer with his usual asperity and ability.

Mr. Hatsell then read the entry of the 9th of May 1777, containing the thanks of the House to the Speaker, for his speech to the King.

Mr. *Byng* condemned the motion made by the noble lord as an insult to the late Speaker, and complained that the last parliament had been dissolved but two days after sir Fletcher set out for Yorkshire, without the least intimation being given to him of any such design; though he was the representative of a borough so near town as Guildford. He also mentioned the rudeness of the minister's telling all his friends who attended at the Cockpit, of the intention of moving, that Mr. Cornwall might be elected Speaker, without giving the smallest intimation of such intention to sir Fletcher Norton.

Mr. *Cornwall* said, that if the House thought proper to elect him to the chair, he should exert his endeavours to give them satisfaction; but that he could not bring himself to think it would be in his power to come near the partial expectations of the noble lord who made the motion, the hon. gentleman who seconded it, or his learned friends. With regard to the subject under discussion, it would be improper for him to say a syllable upon it; he should therefore sit down, submitting the whole business to the wisdom and judgment of the House.

Sir *Fletcher Norton* rose again, and declared, if any thing could induce him to accept the chair again—he begged pardon for the expression—to aspire to it, it would be the contempt with which he was treated. He thought he had a right to an explanation. If it was his conduct last session that had rendered him obnoxious, let them say so, and he should be content. He never would speak in that House but as he thought; and as he was conscious that every man must abide by the consequences of his conduct, he cared not what issue followed his conduct; but he surely had a right to complain of such usage, and if neither the noble lord nor the hon. gentleman would favour him with the explanation he called for, he should leave the whole to the judgment of the House, who, he was sure, would put a true construc-

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tion upon the treatment he had received, and the silence of ministers respecting it.

Mr. *Ellis* declared, that he conceived every member had an undoubted right to vote for a new Speaker as he thought proper; that he had no intention either to insult or disgrace sir Fletcher Norton, of whom he had before spoken his sincere opinion, but that the public good was the great director of his vote, and he did not think, after the alarming state of the late Speaker's health last session, that it was either respectful to him, or consistent with the public good, to put him again in the chair; but that it was better to choose a Speaker of fresher health, and who, from his time of life, had more vigour, and was better able to encounter and sustain the fatigues of the office.

Lord *Mahon* said, possibly it might be supposed that no person who had not been a member of the last parliament, was qualified to speak to the question; but though he was newly come within those walls, he could not consent to give a silent vote on the present occasion. His duty to his country and his own feelings forbad it. His lordship then made an energetic eulogium on the virtues and integrity of sir Fletcher Norton, advising the noble lord who made the motion, to leave the late Speaker's health to the late Speaker's own care, and declaring that he would oppose the motion, if there were no other reason for his doing so, than merely because it was made by a member of administration; that administration, whose baleful measures had loaded their country with disgrace and distress, had abridged the inheritance of the prince of Wales, and intailed ruin on the House of Hanover. Before his lordship sat down, he menaced the Treasury-bench with a threat to oppose every measure they suggested.

Mr. *Rigby* said, he did not rise to advert to any thing let fall by the noble lord who spoke last, because the question was not now, how to dispose of the ministry; when the ministry were to be pulled down, and that was the consideration of the House, he did not doubt but the noble lord would assist in the work, as indeed he was bound in honour to do. Nor did he rise to talk of the late Speaker's good or ill health, as neither the one nor the other was, as far as he saw, a part of the present question. The House had a motion before them for the election of a Speaker, to which office the motion recommended Mr. Cornwall, and to that motion he meant to speak.

This, he said, was the very first debate in which he had heard it asserted, that there was any thing of insult, disgrace, or contempt to any man, in appointing a Speaker, or that any gentleman was either to be called on, or expected to state his reasons why he recommended, or why he voted for this or that particular candidate. He had always understood that when a new parliament was summoned, every individual member had a right to give his vote as he pleased for a new Speaker, and he defied the most learned in the law to prove, that it was any part of the constitutional law of parliament, that when a member was once elected to the chair of the House, he was to sit there just as long as he pleased, unless some charge of criminality could be made out against him. He had sat in that House a great many years, having been sent to parliament when he was only 22 years of age, and he had seen several Speakers chosen, but never before heard such doctrines broached, as he had heard that day. With regard to the vote of thanks to sir Fletcher Norton, read from the Journals of 1777, he had at that time expressed his disapprobation of it and of the speech which occasioned it; he thought then that the Speaker went too far, that he was not warranted to make such an address to the throne, and that it was flying in the King's face, and he thought the same now. [A cry of Order, order!] He insisted upon it, he was not disorderly in what he had said, he had a right to speak of the last parliament. He could not, he said, but remark the particular epoch, when the late Speaker became the great favourite of those who were this day so loud in his praise. It had been hinted at by a learned gentleman (Mr. Dunning) and more directly alluded to by his hon. friend opposite (Mr. Fox). The epoch was no other than the period at which the late Speaker joined those gentlemen, and voted, as they termed it, with the House of Commons. Let the gentlemen remember, however, that towards the close of the last session, the House altered its opinion and its decisions. A great deal had been said about the conduct of sir Fletcher, while Speaker: perhaps he did not perfectly coincide in all that had been urged on that topic; and for this, and other reasons not fit to be given in that House, was disposed to support the nomination of Mr. Cornwall. He observed, that only two matters were urged against the appointment of Mr. Cornwall as objections,

and those were, his representing a Cinque Port, and his being a placeman. With regard to the latter, an hon. friend of his had mentioned Mr. Onslow, but he had forgot that Mr. Onslow was for some years treasurer of the navy, a much better place than that held by Mr. Cornwall, and therefore more desirable. Why Mr. Onslow lost that place, was a matter which his hon. friend would, perhaps, rather talk over with him in private. As to Mr. Cornwall's representing a Cinque Port, that was to him a very extraordinary objection indeed, and he believed it was the first time it had ever been brought forward in the shape of an objection. He had always understood that there was no local representation within those walls, and that gentlemen were to consider themselves in a different light while they were in the House. He, for instance, was chosen for the town of Tavistock, but while he was then speaking, he considered himself as the representative of the people of England, and this idea he had always understood to be the true constitutional idea of the House of Commons. In this view, therefore, the baron of a Cinque Port, and the member for Old Sarum, was either of them as eligible to the chair as the member for the county of York. Grantham was the place which sent sir John Cust to parliament, but it was never talked of as a plea of eligibility or ineligibility, when sir John was recommended to the chair. Why then start the objection now? The conduct of sir Fletcher had been loudly applauded, and yet it might not strike every gentleman as it did those who had been so lavish in delivering its eulogy. One part of his conduct had often appeared to him extremely wrong, and that was, his relaxation of the rules of proceeding with the ordinary business of the House, and his want of strictness in observing order, and keeping gentlemen within due bounds. This he had spoken of to the late Speaker more than once, and he hoped it would be a main object of Mr. Cornwall's attention to restore parliament to its dignity, by restoring a strict observance of all the forms of the House. He remembered Mr. Onslow was remarkable for an opposite conduct, and was said to have too much buckram in his manner. The younger part of the House complained, that he carried matters with rather too high a hand; the fact, however, was, the House had then more dignity, its proceedings were more grave and solemn, and

people without doors treated it more respectfully than they had done since sir Fletcher had filled the chair. He did not mean this as a severe censure on the late Speaker, nor did he mean to set up his understanding in competition with that of sir Fletcher; he should be a fool to attempt it: he only mentioned it, because he thought, though Mr. Onslow might be too pompous, the extreme opposite line of conduct was infinitely more liable to be attended with bad consequences. Sir Fletcher Norton's relaxation in the points he had mentioned, he was aware was ascribable to that large share of good humour and good nature, which all who knew him, knew he was possessed of, and to his having a more elevated turn of mind, than could descend to the observation of such *minutiae*.—Much had been thrown out about the influence of the crown, and the secret reasons for moving to elect a new Speaker. To him, who was an old member of that House, all that had been said on that head made not the smallest impression. It might have its effect on younger men, and those who had just entered those walls, but he had so often heard the same sort of language from different sets of men on different occasions, that it was thrown away upon him; and as to the mighty secret, the true cause of moving for a new Speaker by one side of the House, and supporting the old Speaker by the other, it was reducible to a very simple fact, and when put into plain English, and stripped of the dress of eloquence, and the ornaments of oratory, was no more than this, "We'll vote for you, if you'll be for us." As to the idea of places and placemen, that language would ever be held, while parties continued, but he should hear it with great indifference, till he was told that no persons were seeking places. He voted for ministry, and so did others, because he and they thought well of them, at least they knew not where to look for better men to put in their situations; but whenever an administration could be found out, capable of restoring unanimity to the country, he, for one, would most cheerfully give up his place to the support of such an administration.

Mr. Fox said, that side of the House did not call the hon. gentleman to order for speaking of the last parliament, but for using the King's name; that he hoped the young members would now see, that what the newspapers and the country said, was true, that the King's name was

on every occasion used as a shelter and a screen for ministers. With regard to the last parliament, most certainly, he, for one, was disposed to speak worse of it than the hon. gentleman probably would do; he held it in detestation, and he hoped every man in England would do the same. Mr. Fox dwelt for some time on the King's name being brought forward on all occasions, indecently, and said, it was now so hackneyed, that it was heard of at elections. Having pursued this idea, he very ingeniously turned what Mr. Rigby had said respecting sir Fletcher's having too elevated a mind to attend to the minutiae of parliamentary business, against Mr. Cornwall, arguing that the hon. gentleman had recommended Mr. Cornwall to the House, because he was inferior in understanding to the last Speaker.

Sir *Edward Astley* said, he should vote for the late Speaker, because he had acquitted himself in the most fair and impartial manner.

The question was put by the clerk, "That Charles Wolfran Cornwall, esq. do take the chair of this House as Speaker." The clerk declared the Yeas had it. The House was divided: the Yeas on the right hand; the Noes on the left. The Tellers were appointed by the clerk, viz. for the Yeas, Mr. Secretary at War 203; for the Noes, Mr. Byng 134. So it was resolved in the affirmative.

Whereupon Mr. Cornwall was conducted to the chair by lord George Germain and Mr. Ellis; where, standing on the upper step of the chair, he returned his humblest acknowledgments to the House, for the great honour they had been pleased to confer on him; but as he found the circumstances he had mentioned, with respect to himself, when he before addressed himself to the House, had not had sufficient weight with the House to prevent their seating him in that chair, he hoped the House would permit him to state them in another place. But the members cried No, No. And thereupon he sat down in the chair; and then the mace (which before lay under the table) was laid upon the table.

Nov. 1. The King went to the House of Peers, and being seated on the throne, the Commons were sent for. When they came up to the bar, Mr. Cornwall, their Speaker elect, addressed the throne in a short speech, in which he said, that, in consequence of his Majesty's royal indul-

gence, the Commons had proceeded to the exercise of their ancient and undoubted right, the election of a Speaker; that their choice had fallen upon him. He could not refrain from expressing the apprehensions of his mind, that his abilities were not adequate to the discharge of that weighty and important trust; and therefore he must intreat his Majesty, that he would give his commands to the Commons to proceed to another election.

The *Lord Chancellor* said, he had received the commands of his Majesty, to express the confidence which his Majesty had of his abilities, knowledge and integrity. He highly approved of the able choice of a Speaker which the Commons had made; and it was his Majesty's pleasure that he should take upon him the high and important trust.

Mr. *Cornwall* then declared, that the best manner which he conceived he could take to make his acknowledgments of the high sense which he had of the honour which his Majesty had been pleased to confer upon him, would be the most zealous and steady exertion of his abilities, weak as they were, and the truest integrity of heart, in the discharge of the employment. He must intreat for himself, that his Majesty would be pleased to put the most favourable construction on all his words and actions, and honour him with his royal forgiveness for the frailties and errors of his nature. And he must claim for the House of Commons, the continuance of all their ancient rights, privileges and immunities; particularly, that the persons of the members, their estates, and servants, should be free from arrest and molestation; that they should enjoy freedom of debate; and have ready access to his Majesty's person.

The *Lord Chancellor* replied, that he was commanded by his Majesty to declare, that though he has small occasion to request the royal indulgence on account of his abilities, yet his Majesty gave him his royal assurance of the most favourable interpretation of his conduct; that his Majesty likewise gave his assurance to preserve and confirm, in the most full and ample manner, all the ancient privileges, rights and immunities of the House of Commons.

The King's Speech on Opening the Session.] His Majesty then opened the Session with the following Speech to both Houses:

“ My Lords, and Gentlemen ;

“ It is with more than ordinary satisfaction that I meet you in parliament, at a time, when the late elections may afford me an opportunity of receiving the most certain information of the disposition and the wishes of my people, to which I am always inclined to pay the utmost attention and regard.

“ The present arduous situation of public affairs is well known: the whole force and faculties of the monarchies of France and Spain are drawn forth, and exerted to the utmost to support the rebellion in my colonies in North America, and, without the least provocation or cause of complaint, to attack my dominions; and the undisguised object of this confederacy manifestly is to gratify boundless ambition, by destroying the commerce, and giving a fatal blow to the power of Great Britain.

“ By the force which the last parliament put into my hands, and by the blessing of Divine Providence on the bravery of my fleets and armies, I have been enabled to withstand the formidable attempts of my enemies, and to frustrate the great expectations they had formed; and the signal successes which have attended the progress of my arms in the provinces of Georgia and Carolina, gained with so much honour to the conduct and courage of my officers, and to the valour and intrepidity of my troops, which have equalled their highest character in any age, will, I trust, have important consequences in bringing the war to a happy conclusion. It is my most earnest desire to see this great end accomplished; but I am confident you will agree with me in opinion, that we can only secure safe and honourable terms of peace by such powerful and respectable preparations, as shall convince our enemies, that we will not submit to receive the law from any powers whatsoever, and that we are united in a firm resolution to decline no difficulty, or hazard, in the defence of our country, and for the preservation of our essential interests.

“ Gentlemen of the House of Commons:

“ I have ordered the estimates for the ensuing year to be laid before you. I see and feel, with great anxiety and concern, that the various services of the war must, unavoidably, be attended with great and heavy expences; but I desire you to grant me such supplies only, as your own security and lasting welfare, and the exigency of affairs, shall be found to require.

“ My Lords, and Gentlemen ;

“ I repose an entire confidence in the zeal and affections of this parliament, conscious that, during the whole course of my reign, it has been the constant object of my care, and the wish of my heart, to promote the true interests and happiness of all my subjects, and to preserve inviolate our excellent constitution in church and state.”

His Majesty having retired,

The Earl of *Westmoreland* rose for the purpose of moving an Address: the propriety of which Address he supported in the following manner. The safe delivery of the Queen, and the birth of another prince, events which increased the happiness of the royal family, and also its stability, could not but be pleasing to every member of that House, and subjects of joyful congratulation. Here he was confident there would not be a dissentient voice, he would not therefore trouble their lordships with any recommendations of that part of the Address. As to that part which expressed a sense of the happiness enjoyed under his Majesty's just and constitutional government, he observed that their lordships could recollect more proofs of the affectionate and paternal regard ever shewn by his Majesty, since his accession to the throne, than he could. But one conspicuous proof of his Majesty's regard to the constitution and liberties of this country, of which, young as he was, he had been a witness, and which was recent in all their memories, he could not pass by on this occasion; and that was his conduct on the occasion of the late riots; but for the interposition of him, in whose royal breast the preservation of the state was the first concern, our liberties might have been destroyed, and that constitution, on which we depended, subverted. When private houses were in flames; when the prisons were opened; when force and outrage were exercised against that and the other House of Parliament; when the Bank was attacked, and this metropolis in the most imminent hazard of being laid in ashes, then the King interposed the force, with which he had been entrusted by the former parliament, for the salvation of this city; of our liberties, and of the state. In this, every king would not have observed his conduct: some would have seized the opportunity of turning the arms of an enraged populace against the civil constitution; and, uniting their arms with those of their military, have trampled upon the

rights of the subjects. Such was the late conduct of a northern potentate, who had directed the fury of the people, and turned their power against the senate. His Majesty's conduct was, on the contrary, that of the father of his people, and bespoke the worthy descendant of the House of Hanover. As a farther proof that the supplies granted by the last parliament, had neither been misapplied nor useless, he observed, that, notwithstanding the powerful confederacy with which this nation was forced to contend, we had not in the course of the last year suffered any signal defeat; but, on the contrary, had gained several mighty advantages. A Spanish fleet, either sunk in the ocean, driven on the shore, or serving, as the greater part of it did, in the British navy. The combined fleet in the West Indies, after all their boasted superiority, flying from our naval force, cautiously avoiding an engagement, and leaving us in the undisputed possession of the West Indian seas. Our commerce was protected, our dominions undiminished, and Georgia and Carolina extended. In the eastern empire of Britain, not a power to dispute our sovereignty in that quarter. Thus it appeared to his lordship, that the conduct of government, during the year past, had not been unfortunate. With regard to the continuance of the war for another year, the task was indeed arduous, but it was necessary. France and Spain had united their whole faculties for the support of the rebellion in North America, and with a view thereby to cut off our commerce, the source of our wealth and power. If we should lose North America, consider the danger that must arise from the new commonwealth, to our West-India islands. These must soon fall into other hands than ours; and our commerce with the new world thus cut off, where should we find shipping to support a navy that could secure to us our possessions in Asia? These two must, in that event, be severed from the mother country, and we must be confined within the limits of this island, which would only be ours, in case our hostile and powerful neighbours should not agree about dividing the spoil. In such a difficult and dangerous juncture, it was better to persevere, and expend the last shilling in our power, than submit to conditions of peace, which must put ourselves, and all that is dear to us, into the power of the enemy. Unanimity at home would yet make us respectable, and even

something beyond it, abroad. For while it must be confessed that the part we had to act was arduous indeed, there were not wanting several topics of consolation. A firm, undivided, and compact power, had many advantages over such as were composed of different natives, having different views, opposite interests, and liable to be detached in the course of time and accidents from the common cause. It was a maxim of Rome never to make peace but with a conquered enemy. Lewis 14 was attacked with success by a combination of powerful and hostile neighbours. Many of his provinces were torn from him, and his kingdom was on the brink of ruin; yet he determined still to make war, and this invincible fortitude extricated him from all his troubles. For he found means to break the alliance, and his kingdom was soon restored to its former power and lustre.—It is true, that the continuance of the war must be extremely expensive; but Britain had carried on as expensive wars, in causes of less importance to herself than the present. Witness the war of the Spanish succession, and that which was undertaken in defence of the House of Austria, and concluded at Aix-la-Chapelle. The credit of this nation is still good; whereas, that of our enemies, without exception, is nothing. Spain, with all its wealth, is forced to stamp by power a value on paper, which coercion sufficiently indicates its want of it. The shifts to which France is reduced, are of a similar nature. Paper has no currency in America. Its currency cannot be enforced by the power of Congress; whereas the paper credit of Great Britain flies without compulsion throughout the whole world.—As a proof of the straits and wants of the revolted colonists in America, he took notice that they had for two or three years struggled to establish their paper credit, and to negotiate loans of money that might enable them to maintain armies of their own. But these attempts failing, they had recourse to an expedient which no nation ever adopted, and retained its freedom. They had taken the desperate resolution of inviting French troops into the country; a measure which prognosticated good things to this nation. Oh! but, said lord Westmoreland, some will say, the more the Americans are driven to the necessity of contracting close alliances, and of mingling interests and adhering to France, the more certainly they will be lost to us. We shall, however, continued his lordship, be of a very diffe-

rent opinion, when we reflect, that the more closely they are connected, the more they are brought together and mingle their affairs, the more naturally will arise jealousies and quarrels.—With regard to the merit or demerit of the present administration, his lordship said that that was a relative or comparative idea. We may account administration good, or tolerable, at least, if we know of none in whose hands public affairs would be safer, and who would fill their places better than they do. Men form a false estimate of men in power, by tacitly comparing them, not with the men of their own day, but with other men of other periods, who have blazed like meteors in a storm, and been fortunate enough, by bravely daring, to meet success; but who, had the storm they ruled continued, might have met a different fate, and consequently have been differently represented by fame. He here affirmed, that to conduct the present was an infinitely greater task than to manage the last war: for in that we contended with America on our side against France, and now we struggle against both France, America, and Spain. As to Spain having joined France in the last war, France was at the last gasp; and Spain, near the end of the battle, came in action merely to receive her share of the disgrace. All these things being considered, he thought it wiser to persevere in war, than to agree to conditions of peace dictated by our enemies, or to any truce, which would in fact be the same thing with a defeat. He therefore concluded with moving the following Address:

“Most gracious Sovereign;

“We your Majesty’s most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

“Permit us to offer to your Majesty our most dutiful congratulations on the birth of another Prince, and the happy recovery of the Queen, and to assure your Majesty, that every addition to your Majesty’s domestic happiness must always afford the highest satisfaction to your faithful subjects.

“In the present arduous situation of public affairs, we think it an indispensable part of our duty to make those spirited and vigorous exertions which such a conjuncture demands; and we beg leave to assure your Majesty, that we are united

in a firm resolution to decline no difficulty or hazard in the defence of our country, and for the preservation of our essential interests.

“It is with just and heartfelt indignation that we see the monarchies of France and Spain leagued in confederacy to support the rebellion in your Majesty’s colonies in North America, and employing the whole force of those kingdoms in the prosecution of a war waged in violation of all public faith, and for the sole purpose of gratifying boundless ambition, by destroying the commerce, and giving a fatal blow to the power of Great Britain.

“We have seen with great satisfaction that the force which, with just confidence, was entrusted to your Majesty by parliament, has, by the blessing of Divine Providence on the bravery of your fleets and armies, enabled your Majesty to withstand the formidable attempts of your enemies, and to frustrate the great expectations they had conceived; and we hope and trust that the success of your Majesty’s arms in Georgia and Carolina, gained with so much honour to the conduct and courage of your Majesty’s officers, and to the valour and intrepidity of your troops, will have the most important consequences, and that such signal events, followed by those vigorous measures which your Majesty recommends, and in which we are determined to concur, will disappoint all the views of our enemies, and restore the blessings of a safe and honourable peace.

“We are satisfied that the only way to accomplish this great end, which your Majesty so earnestly desires, is to make such powerful and respectable preparations as shall convince our enemies that we will not submit to receive the law from any powers whatever, but, with that spirit and resolution which becomes us, will maintain the essential rights, honour, and dignity of Great Britain.

“We have a deep and most grateful sense of the constant solicitude your Majesty shews to promote the true interests and happiness of all your subjects, and to preserve inviolate our excellent constitution in church and state. And we beg leave humbly to assure your Majesty, that it shall be our earnest endeavour to justify and deserve the confidence which your Majesty so graciously places in our affection, duty, and zeal.”

Lord *Brownlow* thought it unnecessary to add any thing in support of a motion so ably recommended. The House would rejoice in the safe delivery of the Queen,

and the birth of a prince, events which would give the King so much satisfaction, and which would prove an increase of that happiness which he so well deserved. He approved entirely of venturing our last stake rather than tamely yield to the designs of our enemies, by cutting off our commerce, to reduce our power, and to bring us under their subjection; wherefore, he seconded the motion.

The Marquis of *Carmarthen* said, that with regard to the first part of the Address he presumed there would not be a dissentient voice. Placed, as he now was, at an humble distance from the throne, he still felt the sincerest satisfaction in every event which tended to increase the felicity of the royal family. With regard to other matters contained in the proposed Address, the noble lord had entered into a wide field. If ever there was a moment when unanimity was requisite, and when it was necessary to lay aside the little prejudices, which we are all conscious of feeling in some degree, it is the present: and since the effects of unanimity are confessedly so great, if the omission of a sentence, or any thing that can easily be omitted, may produce unanimity, I hope that it will be omitted. His lordship then said, that he approved the whole of the Address, until the conclusion of that paragraph which assured his Majesty of the willingness and zeal of the House to concur in any measures that might be necessary for the support of his Majesty's government, and the preservation of their essential rights and interests; but all that part of the Address which countenanced and encouraged the continuance of the war, the marquis was for rejecting; and that rejection, or the leaving it out of the Address, he proposed as an amendment. He adverted to the powerful confederacy formed against us, to the suspicious intention of those that were called the neutral powers; to our being in want of all allies to support us under such a weight, and without any prospect of being delivered from the evils that surround us. He could not speak from authority, but it was in every body's mouth, and the world believed it was true, that the counsels in the cabinet were fluctuating and various. There were different factions even amongst administration themselves. What one minister or counsellor was for, another was against; one counsel was adopted to day, another to-morrow; one day the word was, push the war with vigour; the next, let us try what we can

do by negociation; let us try what we can do in Europe, or in America. One plan of operations is sent to America this month, and the next, before the former has been tried, another is sent quite different. On the whole, his lordship expected not any good from the present war, or the present conductors of it; he, therefore, concluded with moving the Amendment specified.

The Earl of *Abingdon* was against both the Address and the Amendment. Amendments were generally good for nothing; they only served to make the Address the more palatable. He would speak his mind freely. The addition of another prince to the royal family was no matter of joy to him, since there was no provision that he knew of for so numerous a royal progeny. Thirteen colonies were lost, which would have been a provision for thirteen children. He was for throwing out the Address altogether. The associations were going forward; a new order of affairs would succeed, which would render minutiae such as addresses quite needless. He wished the people might obtain a new Magna Charta. It was in the reign of the good king John that the old one was obtained. He wished for a new declaration of the rights of the people. The present system of government, he said, was arbitrary. There was a system of despotism going on; for despotism, or arbitrary government, consisted in governing by will, not by law. The whole grievances of the people flowed from their not making a distinction between legislative and executive power, both of which powers they confound together, and call supreme; but the legislative power only is supreme. And why is it supreme? Because all laws are founded in nature; all laws that we are bound to obey; but laws that are arbitrary are enforced by violence, by art, which are the contrary of nature. If it be true that laws founded in nature are to be obeyed, laws founded in force are not to be obeyed: "*Dux propositiones contrariæ non possunt simul esse veræ.*"

The House divided on the Amendment: Contents 23; Not Contents 68. The original Address was then agreed to.

The King's Answer to the Lords' Address.] His Majesty returned the following Answer:

"My Lords;

"I thank you heartily for this very loyal and dutiful Address. The joy you express in the increase of my family, and

in the happy recovery of the Queen, is extremely agreeable to me. Your wise and spirited resolutions to prosecute the war with vigour, and to maintain, at every hazard, the essential interests, dignity, and honour of Great Britain, give me the highest satisfaction, and must be productive of the most salutary effects, both at home and abroad."

Debate in the Commons on the Address of Thanks.] Nov. 6. The King's Speech being read,

Mr. *De Grey* acquainted the House, that he had in his hand a motion for an humble Address of Thanks to his Majesty, for his most gracious Speech from the throne. That before he touched upon the different topics which were contained in that Speech, he should desire to propose the congratulations of the House to his Majesty on the safe delivery of the Queen, and on the birth of another prince. That he was so thoroughly convinced of the unanimous approbation such a clause would meet with, that he should trouble the House no longer upon that topic, than to observe how much satisfaction the nation received from the attention their Majesties had given to the education of the royal offspring, and for their having considered them not only as their own children, but as those of the state; and that the result of this attention was already sufficiently apparent, and he hoped would be universally acknowledged. That he was as free as any gentleman to confess that no parliament ever met at a more important moment than the present, and that the nation never watched with a more anxious eye the opinions and conduct of their representatives. — That occasions would present themselves hereafter for entering into debate upon the various matters which were the subject of his Majesty's Speech; that all we had now to do, was to profess our loyal attachment to his Majesty, and to assure him of such support as the difficulty and danger of the times might require. That those difficulties were the consequence of our former glories; that though our power and our commerce, great as it had been, had never been employed injuriously or contrary to the faith of treaties, yet it had created a degree of envy and resentment in our rivals, which they had thought this was a proper opportunity to make manifest; and sorry as he was to ascribe such motives to any nation, yet he was afraid the

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truth of the assertion was too glaring to be controverted. That not contented with exercising her own force against us, France had called in Spain to her assistance, and had seduced the unhappy Americans to exchange the protection of this country for that of a state whose principles and maxims of government and of religion, were in every instance contradictory to their own.—That it was now no question about independency and allegiance: Great Britain could not at this instant of time give independence to America, nor could America restore herself to Great Britain. Whoever wished well either to Great Britain or America, must try to restore them to each other, as the surest means of preserving both. That the House was no longer to be blinded by the specious parade of a treaty of commerce, for the object of hostility was avowedly upon record: and France made no scruple of inviting Canada to withdraw her allegiance, and of promising the whole force of France to assist in accomplishing this object, as "a first condition of the alliance between France and America."—It was evident, said he, that if this was the actual situation of things, it could never remain as it then stood. You must push the war, or you must sue for peace; it would be ridiculous to sue for peace, without first having made vigorous preparations for war. If you did, what terms could you expect from an insolent and a haughty enemy? Would you make peace whilst America was left under the controul of a French army? Would you agree to give up a share of your Newfoundland fisheries, and a monopoly of your trade to France? And if you did, what would be the fate of your West-India islands, of your nursery for seamen, of your navy itself? And what would become of your extensive territories, and of your rich settlements in the East Indies, which constituted so material a part of the empire of Great Britain? If no man born a Briton, and feeling the principles of affection to his country, which, he trusted, were common to that audience, the alternative was obvious—you had no choice left—you must withstand the attack—you had hitherto withstood it under Providence, by the bravery and spirit of sir George Rodney, by the vigilance of general Vaughan, by the gallant defence of general Prevost, who, in an open and defenceless country, had withstood the combined forces of France and America, by the gallant conduct of

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sir Henry Clinton, which put us into possession of Charlestown, and the whole southern army under Mr. Lincoln, by the late brilliant victory of lord Cornwallis, brilliant for the design of the attack, for the courage of the execution, and for the alacrity with which colonel Tarleton followed up the blow; the mentioning that officer put him in mind of major Moncrief, whose services he ought not to have passed over when he spoke of the siege of Charlestown. He expatiated also upon the merit of lord Rawdon, and spoke of the pleasure he felt at the dawn of his lordship's military talents, from which his country had reaped such signal and distinguished advantages.—But he might be told indeed, by way of answer to all this, that your resources, which are *et subsidia belli et ornamenta pacis*, were exhausted, and the country drained by taxes, and impoverished by expence. It might be true; but what would you obtain by inactivity, and by meanly soliciting peace, which you probably would not obtain; or if you could obtain it, you would have but little hopes of preserving it. That, however, all we had now to do, was to promise such support, as it was at once our interest and our security to give, and was in conformity to those assurances contained in the address of the 17th of March 1778, upon the French ambassador's declaration, to which he referred, and which he wished gentlemen to act up to, both in letter and in spirit; that if the quantum, or the application of any sum proposed, was to be questioned, the proper time for questioning it would be in a committee of supply, when the sum itself, and the service to which it was to be appropriated, could fall at one and the same time under your consideration. That one thing gentlemen would consider in the nature of that application, it was not to make additions to our empire that we undertook that war, not to enlarge conquests already, perhaps, at least, sufficiently extensive for the bulk of the empire at large; but we had, as the object of our contest, the preservation of all that was necessary to our honour, and, perhaps, to our existence. And as it was manifest upon a cool and dispassionate review of the whole of his Majesty's reign, that not a single instance could be traced in which the line of the constitution had been passed over, and in which its principles had not been inviolably adhered to, for the preservation of our internal liberties, it would be disgraceful indeed if that

should not be an incitement to us to exert ourselves at all hazards to secure them from foreign violence. He concluded by moving the following Address:

“ Most gracious Sovereign,

“ We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, return your Majesty the thanks of this House, for your most gracious Speech from the throne.

“ We beg leave to congratulate your Majesty upon the safe delivery of the Queen, and the birth of another prince; and to assure your Majesty, that we take a sincere part in every event that contributes to your Majesty's domestic happiness.

“ We acknowledge, with the utmost gratitude, your Majesty's condescending goodness, in your desire to meet your parliament at this time, and your gracious expressions of attention and regard to the disposition and wishes of your people.

“ We are impressed with a due sense of the difficulties of the present arduous conjuncture, when the whole force of France and Spain is combined and exerted to support the rebellion in your Majesty's colonies, and to attack all the dominions of your crown; and when it is but too manifest to all the world, that the real views of this most unjust confederacy are to give a fatal blow to the commerce and power of Great Britain, in resentment for the successful efforts which this nation has so often made, to save the liberties of Europe from the ambition of the House of Bourbon.

“ We have observed, with great and just satisfaction, that your Majesty, by the support of your parliament, and the spirit and bravery of your fleets and armies, has, under the Divine protection, been enabled to withstand the formidable attempts of your enemies; and we offer our most cordial congratulations to your Majesty on the signal successes which have attended the progress of your Majesty's arms in the provinces of Georgia and Carolina, and in which the conduct and courage of your Majesty's officers, and the valour and intrepidity of your troops, have been so eminently distinguished.

“ We consider your Majesty's earnest desire and solicitude to see the war brought to a happy conclusion, as the strongest proof of your paternal regard for your people: but we entirely agree with your Majesty, that safe and honourable terms

of peace can only be secured by such powerful preparations and vigorous exertions, as shall convince our enemies, that your Majesty and your parliament are united in a firm and stedfast resolution, to decline no difficulty or danger in the defence of their country, and for the maintenance of their essential interests.

"We are thoroughly sensible that these ends cannot be effected without great and heavy expences; and we will grant your Majesty such supplies, as the lasting security and welfare of your kingdoms, and the exigency of affairs, shall be found to require.

"Your Majesty may rely, with entire confidence, on the most zealous and affectionate attachment of your faithful Commons to your person, family, and government; and we acknowledge, with the liveliest sentiments of reverence and gratitude, that the constant tenor of your Majesty's conduct shews, that the sole objects of your royal care and concern are to promote the happiness of your people, and to preserve inviolate our excellent constitution in church and state."

Sir *Richard Sutton* seconded the motion, and presaged the future success of our affairs in America. He said he had been always sanguine in his expectations that the issue of the war would be fortunate, and was now as confident as ever: but should any gentleman think less favourably of our situation than himself, still, what measure but the prosecution of hostilities would now be adviseable? Should we give up America, and expect conditions of peace from France and Spain; or should we withdraw our arms from that continent, and contend solely with the House of Bourbon? The latter alternative could probably not be in our option; for America was bound, he thought, by every tie of policy and honour not to desert her allies, or leave them exposed to our collected efforts in a war commenced for her advantage.

Mr. *Thomas Grenville*, professing his loyalty and dutiful regard to his sovereign, rejoiced sincerely in every event that increased the felicity of the royal family; he therefore heartily acquiesced in that part of the Address which congratulated his Majesty on the birth of a prince. He was ready to go as far as any man in supporting the essential interests of his country; but whether the prosecution of the war in America ought to be reckoned among those interests was the question.

The conjuncture in which we stood was, indeed, arduous. A most powerful confederacy was formed against this country, and every Englishman wished to break it. But was that practicable? Could England, without a single ally, contend successfully against America, France, and Spain? He represented the strength of those powers, and contrasted it with the decayed trade and nearly exhausted resources of this country. Unable to carry on the war under the disadvantages which we felt, we ought perhaps to recall our troops from all unavailing efforts in America, and direct our whole force against the House of Bourbon; but certainly we ought to do the former; for experience had taught us, that all attempts to subdue America under the government of this country were as vain as they were ruinous. At the commencement of the war, ministry had some pretext for pursuing the coercive measures which they adopted. At that time, it was said, that the voice of the nation was for war; the high spirit of this country being unwilling to give up our foreign and most valuable dependencies without a struggle. A struggle had been made, a vigorous struggle; a struggle which this nation would feel for many and many a day. And now, he presumed, the voice of the nation was not for war, but for peace; at least with America. He could not, for these reasons, subscribe to an address which re-echoed a speech, professing an intention of prosecuting the American war with vigour. But if other gentlemen should think that measure a wise one, accidents might happen in the course of the year, to render its impolicy obvious to all; and why tie yourselves down by any implied promises of support, to continue the war at all adventures? Mr. Grenville, therefore, studious of unanimity in our present situation, would propose an amendment that would form an address, which, without tying them down to any system of conduct, would express their zeal and affection for his Majesty's person and government, and their resolution to stand by the rights and interests of their country.—The Amendment he proposed was this; to leave out from the word "happiness" at the end of the second paragraph, to the end of the question, in order to insert these words; "That in the present arduous situation of public affairs, we think it an indispensable part of our duty, to make those spirited and vigorous exertions which such a

conjuncture demands; and that we beg leave to assure his Majesty, that we are united with a firm resolution, to decline no difficulty or hazard in the defence of our country, and for the preservation of our essential interests," instead thereof.

Mr. *Fitzpatrick* rose to second the amendment, and arraigned the public measures which had been for some time pursued, as ruinous to the country and the constitution, on which the dearest interests of the country depended. Impressed with this idea, he could not give a silent vote for the amendment, but would take that opportunity of expressing his sense of our present calamitous situation, and he would do it the rather now, because he verily believed that this would be the last parliament in which so much of the remains of liberty would appear, that he or any other member who thought as he did, that the measures of his Majesty's ministers were injurious to the true interests of Great Britain, would enjoy the privilege of calling those measures in question, and freely speaking their sentiments upon them. The eyes of Europe, he said, were naturally attracted to the first deliberations of that assembly; it therefore behoved them to be extremely cautious what language they held in their address to the throne. It was now as consistent with order, as it was with truth, to say, that the last parliament was notoriously corrupt, and prostituted to the will of the minister. That night would determine whether this was to proceed in the same steps; which they would do if they should countenance the continuance of a war, flowing not from the voice or the interests of the nation, but founded merely in the will of the ministry. In order to consider the subject of the address properly, it would be right to turn their eyes to the speech of the minister, though commonly called the King's speech, and examine its contents. From the beginning of that speech, it was evident that ministers had deluded his Majesty. His Majesty began his Speech with saying, that "the elections would afford him an opportunity of receiving the most certain information of the disposition and the wishes of his people, to which he was always inclined to pay the utmost attention!" That his Majesty was at all times inclined to pay the utmost attention to the wishes of his people, he was firmly persuaded, but did ministers really think that the late elections, considered collec-

tively, would afford his Majesty an opportunity of knowing what those wishes were? If those elections, where only there remained any thing like a free choice, were adverted to, he verily believed they would shew his Majesty the sense of the people, because, with a very few exceptions, those elections had fallen upon gentlemen distinguished for their love of liberty, and for their having uniformly reprobated those measures which the ministry had for a series of years pursued. But possibly the ministry had assured his Majesty, that the present House of Commons was a proof of their popularity. Popular indeed they were, he was sorry to own, in many parts of the country, and particularly in the west of England, where the ministry and their dependents were many of them chosen to represent boroughs which they had never before visited, and chosen by electors who till an hour previous to the election, had never seen the faces of their representatives; nay, so popular were they in Cornwall, that many of them were elected in three or four different boroughs, though perfect strangers to the people who had chosen them their representatives. After a good deal of strong irony on this point, he represented the impolicy of the present war with America, and recommended the withdrawing our troops from thence, and concentrating our force and directing it against the House of Bourbon. He adverted to the enormous increase of the national debt, the decay of manufactures and trade, the oppression of the people by taxes, &c. and concluded with declaring that he concurred most cordially in the congratulatory part of the Address, but thought the amendment just proposed the most wise and fit termination of it, since under the present circumstances the House ought not to pledge itself to any particular line of conduct during the war.

Mr. *Pulteney* began with saying, that even if that House thought the American war ought not to be pursued, it would neither be wise nor prudent to make a public declaration of that opinion to all the world. He complained of the custom gentlemen had adopted of calling the war unjust, and said, however the freedom of debate might warrant their giving it that epithet within those walls, he wished that it might not be so termed without doors. Indeed, he thought that such as without scruple, in print and conversation, called the war unjust, and thus presumed to

brand and stigmatize a measure sanctified by the British parliament, were guilty of an offence which ought to be followed by punishment; and if the laws, as they now stood, were not equal to the correction of this evil, and that people had a right to indulge themselves in such a licentious use of their pens, other laws should be passed, and that right taken away. He had at the beginning of the war with America thought it unjust, and he had always argued in that House in that manner, but thinking, as he then did, that the war was unjust, he had never conceived he should be warranted in terming it so without doors, after parliament had chosen to pronounce the war just, and to pursue it under that idea. But a change of circumstances had made a change in his sentiments concerning it. We had now given up the taxation of America, which would have been injustice, as they had no representatives in parliament, and the justice of the American war had been recognized, and confirmed repeatedly by parliament. Gentlemen had talked of the present war in language that he could not approve; they had said the war was carried on to conquer America. He saw it in a different light. He considered the war as a war carried on to protect our American friends from the tyranny and oppression of Congress, and those friends he believed were very numerous. This was a purpose which, in gratitude and humanity, this country was bound to pursue, nor did he see any reason for despondency. Our affairs in America were surely in a better situation at present than they had been in since the unfortunate convention at Saratoga? The just and liberal offers made by Great Britain to America had produced very considerable effects on the minds of the inhabitants of that country; and he doubted not, that more than half the Americans, when the oppressions under which they laboured should be removed, would appear to have been friends to the British government. He concluded, with declaring he should vote for the Address as originally moved, because he thought it unexceptionable, and because it did not appear to him to pledge the House to any particular line of conduct.

Sir *Horace Mann* thought that declamations tending to give the world an idea that our resources were exhausted, and that we ourselves were in a state of despondency, ill became Englishmen at any

time, but least of all, in a moment of real difficulty and danger, in a moment when the most powerful confederacy that ever was formed, threatened us with destruction. It had been the character of this country to look danger in the face, to hold despair in contempt, and in proportion to the pressure of affairs, to exert its efforts, to act with spirit, and by the energy of its operations, to surmount all difficulty, and all resistance. This had been the practice of our ancestors, this ought to be the practice of Great Britain under her present circumstances. The American war was not ascribable to administration, the seeds of it were deposited at a remoter period, but it was idle and absurd to be now losing time in accusation, and in fruitless attempts to charge any particular set of men, as authors of the present difficulties. America had hostilely allied herself to France, the actual foe of Great Britain, and Spain had joined the confederacy. Each of the three powers who formed the league, were to be regarded with equal jealousy, and to be opposed with equal exertion; America as well as France and Spain, France and Spain as well as America. The interests of France and America were inseparably united, slacken your operations against the latter, and you give vigour to the operations of the former. The whole matter to be provided for was, how the operations of the war could be best carried on by us, to answer the great end of breaking the union of the three powers, and rendering their utmost attempts to destroy our naval force, and ruin our commerce, unavailing. That however was not the consideration of this day, and therefore it was needless for him to go into it. Powerful as the confederacy confessedly was, he could not think it so tremendous as the hon. gentlemen had seemed to imagine. All confederacies carried in them principles of disunion. The present confederacy was formed by powers, the most unlikely to coalesce for any continuance with cordiality. America, a Protestant people, declaring that she fought for her liberty, allied to France, a Roman Catholic power, in whose dictionary the word liberty had no place! Could any man in his senses for a moment believe that France had engaged in this expensive war for the purpose of defending the liberties of America? The idea was too monstrous. Was it likely that Spain, however drawn into the war by

the intrigues of France, could be sincere in wishing to give America independency? Was it probable that she should have so little regard for her own interest, as to shew herself a supporter of rebellion, and thus by her own example encourage all her South-American colonists to shake off their dependance on the Spanish crown? Again, were Spain and France cordial friends? If the Spaniards in general were inspired with the same sentiments as those of the province of Catalonia, the only province of Spain in which he had been, he would venture to say they were not. In Catalonia every man breathed the most rooted antipathy to France, to her manners, to her customs, and most of all to her people. Looking at the confederacy in its proper light, seeing it in its true colours, was there not more cause to expect that so motley, so incongruous, so heterogeneous a mixture, so unnatural a league would not hold long together? France had already pretty plainly shewed what were her views respecting America. America was already jealous of her, and every day that the war continued, she would have more cause to lament that she had ever called upon France to assist her. The Spaniards, naturally as gallant a nation as any in Europe, though from that circumstance they fought bravely in the field, felt their losses too severely not to have regretted their court having been made the dupe of the cabinet of Versailles, and nothing but their national attachment to the person of their prince, who had not forgot the treatment he received from this country when king of Naples, could have kept them still ready to pursue the purposes of the war; a time, he trusted, was near at hand, when they would find that what he had said was well founded. But taking the confederacy in a general point of view, what does history tell us has been the end of the greatest leagues that have been formed? Let us recollect the most extraordinary confederacy that the page of the historian teems with, the powerful league of Cambray formed against the republic of Venice. Was Venice destroyed? It is true she lost a part of her navigation advantage by the traffic of other countries being sent by a different passage to Greece; but is she not now a respectable power considered as one of the European states? As respectable as her situation in Italy entitles her at any time to be? Let gentlemen recollect the alliance that was

formed against the House of Bourbon. Louis 14 found means to elude the designs of it, and thence arose the famous family compact. The present confederacy was a powerful one; but though we were without an ally, we had obvious advantages, if we would agree among ourselves, and act with vigour and firmness.—He had in the last parliament shewn himself no friend to ministers: he trusted therefore, that what he now said, would be considered as his real sentiments. In pursuance of their impulse it was, that he declared himself an advocate for the Address; and so far was he from thinking that it said too much, he really felt that more was requisite. The American war began to wear a more promising aspect, and the prosecuting of it with vigour, was now more than ever a necessary and wise measure. Our late successes were truly glorious, and the conduct of our officers, particularly that of lord Cornwallis, merited the highest praise. He hoped, therefore, that the bare mention of it with applause in the Address, would not be the only notice taken of it by the House. He trusted that he should hear a motion soon for something specifically and substantially tending to shew lord Cornwallis the sense that House entertained of his singular gallantry, judgment, and good conduct. He concluded with observing, that to renounce the American war, would be an act of political folly little short of madness; it would at the same time, be an act of the greatest inhumanity, considering the number of loyalists who had flocked in to the King's standard, and who now relied on the British arms for protection.

Mr. *T. Townshend* observed, that there was every year a new reason for continuing the American war; first, we were to send troops to deliver the men of consequence and property from the tyranny of the mob; afterwards to deliver the lower ranks from the oppression of the upper, and the congress; now we were called upon to deliver both from the captivity in which they were held by the French army. He was surprised to hear the league of Cambray cited. He was afraid that the similarity of the situation of Venice, at that period, to the present state of our affairs, was but too apparent. A number of powers, jarring in their interests much more than those which were now leagued against us, attacked Venice: it is true, they soon quarrelled; but not till Venice was ruined. The name of the Venetian state remains,

but its commerce, its dominions in Italy, are reduced, if not quite annihilated: and she may retain her proper rank among Italian states, but her power and consequence were totally at an end. To such a situation might we perhaps be reduced, and our enemies tell us that we held our proper rank among the states of Europe. He lamented our want of alliances, and could not rejoice at that compact state which others seemed so much pleased with. He did not believe that what was done against Lewis 14, would have been more easily achieved by attacking him, without any allies at all. He lamented that we were to continue the American war, which he looked upon as the favourite object of the government. To that object all others were sacrificed. They had sent young regiments under unexperienced officers to the West Indies, while our veterans were employed in North America. He should vote, therefore, for the amendment.

Mr. *Welbore Ellis* complimented the young gentlemen who had moved and seconded the amendment, on their eloquence, but could not agree with them in thinking that the Address was in the least improper, or that it contained matter less fit for the House to adopt than the proposed amendment; on the contrary, he thought they were pretty nearly alike in purport, only that the same meaning was expressed in better terms, in the Address, than it was in the Amendment. In order to prove this to the satisfaction of the House, he went into an examination of the Address paragraph by paragraph, commenting on each elaborately, and arguing as he went on, that nothing more was said than the occasion required. He owned nothing could be more true than that it was highly incumbent on the House to take care that what they carried up to the throne should not contain any thing like a pledge to observe any particular line of conduct; he had examined the Address minutely, and he never in his life saw one more cautiously worded, or more suitable to the purpose. If the Amendment were adopted, all that his Majesty had said from the throne, excepting only his information of the increase of the royal family, would, contrary to the constant usage of parliament, remain unnoticed. Would gentlemen say, it was right for that House to hold a sullen silence on our late successes in America? Would it be handsome to lord Cornwallis, or to the other officers who, under that gallant commander's orders,

had acquitted themselves so much to the credit of themselves and to the essential services of their country, to withhold their due praise? Or did gentlemen imagine, if the eyes of all Europe were turned on the proceedings of that House, that it would have a good effect upon the minds of foreign princes, to see the British parliament just at that moment wanting in professions of joy at the late signal successes of his Majesty's arms in America. Surely a moment's recollection would teach gentlemen to think differently, and to convince them of the propriety of agreeing to the Address. In one part of it, the House returned his Majesty thanks for the blessing of his government. In all his experience, he had never known such a matter rejected, and yet if the Amendment were carried, all that part of the Address would be omitted. Another matter which struck him very forcibly was, that as the Address containing due praises to the officers in America had been moved and seconded, the rejection of such an Address would *ipso facto* amount to a censure upon those officers, and would have that effect in the eyes of all Europe. Would gentlemen then say, they were prepared to pass a censure on the conduct of lord Cornwallis and colonel Tarleton? Would they even refuse to thank them for that conduct? Upon these and other considerations, he trusted the hon. gentleman, who moved the Amendment, would not take the sense of the House upon it, but would agree with him in voting for the Address.

General *Smith* condemned the American war as ruinous, and maintained that this country was now in a situation infinitely worse than it was at the time of the Saratoga convention; for the millions we had since spent would have built and equipped 40 sail of the line. He declared, that from the affair at Trenton, every military man knew, that all attempts to subdue America were so many fruitless prostitutions of blood and treasure. He spoke warmly against the Address.

Mr. *Fox* rose just as the question was about to be put; and, in a speech of considerable length, went over the whole ground of complaint which had been urged by opposition against the King's servants, as well respecting the conduct of the American war, as with regard to a great variety of other topics. He began with observing, that the Amendment moved and seconded by his two hon. friends, had been very ably supported by them; and

that no answer whatever, at least nothing like an argument, had been advanced against it. The best thing that had been attempted to be urged in support of the Address, was what had fallen from the right hon. gentleman over the way (Mr. Ellis,) namely, that it was something like the Amendment. That, however, certainly was not a sufficient reason to induce the House to prefer the Address to the Amendment, if the House meant to convince the people at large that they were governed by reason and fair argument, and not by private motives, and that undue influence, which the last parliament, almost in its last moments, had declared to have increased, that it was increasing, and that it ought to be diminished. The Address, it was true, did not directly pledge the House to go on with the American war, but considered altogether, it amounted pretty nearly to that idea. Ministers had thought proper to word it differently from the Address come to by the other House last Wednesday. The Lords, in their Address, had expressly declared their readiness to go on with the war. Ministers had shewn so much deference to that House, that they had not in the Address which had been then read, pledged the House directly; but then gentlemen would observe, that in a subsequent paragraph, the matter was brought in; and upon the whole, there was sufficient cause for suspicion and distrust, sufficient cause to fear that ministers meant to plunge this country deeper in ruin, than they had already sunk it, by a continuance of that mad war.

With regard to the King's speech, which for the sake of freedom of debate, was properly termed the speech of the minister, was there in it one gleam of comfort, one hope, or the least prospect of better conduct in the King's servants? Did it not begin with assuring parliament that his Majesty wished to know the sense of his people, and in the same paragraph, did it not contain the greatest mockery and insult upon the people, by telling them that his Majesty hoped to receive the information he wished for through the medium of the late elections? Were those elections free? Was the dissolution previously announced, the time of it properly chosen? He hoped to God this circumstance would become the subject of an enquiry in that House, and that it might be known which of the King's servants it was, who had dared to advise his Majesty to dissolve his parliament just when the

dissolution took place: a time when most gentlemen were taken by surprize. To him, indeed, it had no such effect: he had long accustomed himself to watch the measures of administration, he knew the ministers thoroughly, he understood their designs, and he was aware, that if one moment was less propitious to the people and to the freedom of election, than another, that was the moment most likely to be chosen by them for the dissolution of parliament; he had, therefore, expected it even before it happened, and he should not have wondered, if it had taken place in the midst of the harvest. As it was, it took place when the majority of that House, especially of those who had uniformly opposed and reprobated the mad and destructive measures of ministers, were in camp, and at considerable distance from the places they represented; so that instead of consulting the wishes of the people, instead of rendering it as little injurious to the internal peace and quiet of the kingdom, as possible, ministers had taken pains to render the dissolution as calamitous an evil as could have happened.

As to the beginning of the Address, he had no objection to congratulate his Majesty on the increase of his domestic happiness. Long might his domestic enjoyments continue to increase! They were the only enjoyments his Majesty possessed. Unfortunate in every other respect, unfortunate abroad, and unfortunate in the conduct of civil affairs at home, he was happy in domestic life; and on this happiness in his family, he would congratulate his Majesty sincerely. But at the present moment of embarrassment and distress, when the brightest jewel was torn from his diadem, when America was dis severed from the British empire, never to be reunited; when discord and dissention raged among those parts of the empire which yet remained, but which seemed prepared for revolt, to approach the throne with gratulatory addresses, was not loyalty, but cruel mockery and insult. But what said the hon. gentleman over the way? Will you refuse to acknowledge, with gratitude, the blessings we enjoy under his Majesty's government? How long, replied Mr. Fox, shall the sacred shield of Majesty be interposed for the protection of a weak administration? This word 'Majesty' was a kind of hocus pocus word, which was turned into all shapes, and made subservient to every legerdemain trick, and every illusion which convenience dictated.

If by the blessings of his Majesty's government be understood his Majesty's virtues, he was ready to acknowledge his Majesty's personal virtues with respect and with reverence. But if by the blessings of his government he understood the acts and projects of his Majesty's ministers, he detested and reprobated them. The present reign had been one continued series of disgrace, misfortune, and calamity. What blessings were we called upon to recognize in the Address? First, the happy effect of this new parliament, in giving his Majesty an opportunity of knowing the sentiments of his people. As an hon. friend of his had asked, was there no trick, no deceit used in order to garble a new parliament? In words ministers disclaimed the abridgment of the duration of septennial parliaments; in actions they approved it. He did not expect ever to see a septennial parliament die a natural death. Six years ago he observed, he had the honour to sit in that House, when the subject of their debate was precisely the same that it was that night, namely, the justice and expediency of prosecuting the American war; and he made no doubt, but that if he should have the honour to sit in the next parliament six years hence, at the opening of it, the same subject would be under discussion. It would have been presumption in him to have made such a prediction six years ago, and nobody would have credited him. Past experience now made it no longer so, and therefore he scrupled not to prophesy, that if the war was continued, its propriety and its expediency would be the subject of discussion on the first opening of the next parliament. What had we gained by the American war in that period? We had exchanged Boston for New York; and Philadelphia, the capital of Virginia, for Charles Town, the capital of South Carolina. O! but we had gained of late a most signal victory at Camden. Generals Gates and Sumpter had been routed by lord Cornwallis and colonel Tarleton. These victories were but omens and forerunners of greater ones. Such was our sanguine expectation, when in the beginning of the war the British troops defeated the Americans on Long Island. The success at Brandywine was to be followed by the immediate reduction of the provinces, and not a rebel was to be seen in all the continent of North America.

The taking of Ticonderoga was a
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splendid affair; and that, too, was to be followed by the most important consequences. The event perpetually belied our sanguine predictions, yet now, with all our experience, we talked of following up with alacrity, our late victory in Carolina. That victory was a glorious one, he readily allowed, to the general officer, and all the officers and British troops who gained it; but the glory of that victory was due to the army only, and the disgrace of reducing lord Cornwallis to that dangerous situation which made his victory a miracle, was the minister's. The only fruit of the reduction of Charles-town, was the dangerous situation that led necessarily to the engagement. The success of that engagement was owing to the army. That affair seemed farther alarming to him in another point of view. It was a proof that the majority of the Americans were not, as had been said, friendly to this country; but, on the contrary, that they were almost unanimously attached to the cause of Congress. For no sooner did general Gates appear among the Carolinians, than those very men flocked to his standard, who had taken the oaths to our government, carrying along with them the arms that had been put into their hands by our general, which reduced lord Cornwallis to the cruel necessity of putting them to death, and rendered that a necessary measure, which all who knew lord Cornwallis, knew must have given him infinite pain. Hence he argued, every gleam of success had been the certain forerunner of misfortune. The loss of the whole army followed the capture of Ticonderoga; the evacuation of Philadelphia followed other success; and no sooner did we hear of the surrender of Charles Town to his Majesty's arms, than we prepared to receive intelligence of some new disaster; and a very short time afterwards, news arrived of the loss of Rhode Island, which he was warranted to say was the only good winter harbour in all America.

Not that he meant to contend, that no advantage was to be derived from the late success obtained by the wonderful good conduct and gallantry of lord Cornwallis. Great advantages might be derived from it; it might be made the foundation of an honourable and happy peace. Let ministers seize and improve the advantage, and they would deserve the thanks and applause of their country. But had they given us any hopes of it? On the contrary, did not the Address now moved for,

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prove to the conviction of the House, that they meant to pursue the war—they dared not give it up, the unpopularity of it was their security—that, and that only, kept them in place. An hon. friend of his, who moved the Amendment, had said, we had fought bravely, we had exerted our vigour, but still our exertions produced no essential advantage. Other gentlemen had praised the efforts this country had made in the course of the war, and argued well from that circumstance, declaring we had astonished all Europe by our exertions. It was most true. The war was begun madly, the ministers made war blindfold, and the efforts of this country, so directed, and so planned, like the efforts of a madman, which always were more powerful than those of a reasonable being, had astonished all Europe. But what good had they done? They had only weakened and reduced our resources. They had exhausted the spirits of the people, and almost annihilated the power of future exertion. An hon. gentleman had said, that it was improper to term the war unjust, except within those walls: he must beg leave to differ in opinion; he thought the war unjust; he had said so repeatedly in that House; he had said so elsewhere; and he would say so whenever and wherever he had an opportunity. He would say so to the whole world, if his voice had power and extent enough to communicate the idea. But according to the argument of the hon. gentleman to whom he was alluding, what was unjust in its origin became just in its advancement and prosecution. The hon. gentleman thought now he had got justice on his side, he had got all. Did the hon. gentleman think that the Americans, once driven by our injustice to assert their independency, ought, in justice, to relinquish that independence, and to alter their established government, and rely on our word for the performance of our promises?

With regard to the argument of another hon. gentleman, (sir H. Mann) that, without an ally, Great Britain had an advantage over a confederacy; if that doctrine were true, Great Britain was the most flourishing nation in the world. The reasoning of his hon. friend, from the league of Cambray, was certainly far from being conclusive. For Venice had been left in the circumscribed situation, to which nature had limited her, according to his own words, and such would be the fate of Britain a situation to which

it was the express object of the powerful confederacy of France, Spain, and America, to reduce her. The grand alliance, in the reign of Louis the 14th, had not, indeed, been so successful, on account, he would say, of the impolicy of England, as might have been expected; but it gave a check, a wound, to the growing power of France; a blow from which nothing but the wretched conduct of such a ministry as ours could have recovered it. It was common danger and distress that chiefly endeared nations, as well as individuals, to one another; and this tie, for the present, united the French and Americans in the closest friendship. But if we held out to the Americans something that might be a separate interest, and a security to them, by removing the common danger, we should dissolve the friendship, and have a chance of treating with her.

The hon. baronet who seconded the Address, had talked of the good faith of America being plighted to France, and argued that her obligations to her ally would render her unwilling to treat separately, that therefore there were no hopes, but from a vigorous war carried on against her as well as against the House of Bourbon. Now, had he held this language himself, and dwelt so much on the good faith of America, it would have been in all the papers to morrow, that he was a friend to American rebellion, and to the enemies of this country. But, without ascribing to the Americans any extraordinary degree of gratitude or perfidy, and considering them merely as men, whose conduct would, like that of other mortals, naturally be governed by a mixture of both reason and passion, he thought they might be detached from the cause of the House of Bourbon, by omitting to pursue offensive hostilities against them.

What would be the consequence of withdrawing the troops from America? American independence undoubtedly. This would be the means of obtaining peace. If the American war could be given up without her being independent—let ministers do it; but they could not: they were therefore wasting the blood and treasure of this country without an object.

He said, that the ministry had perverted nature, and by their singular ill-conduct of the war, had given France all the advantages of an island, and reduced Great Britain to the inconveniences of a continent. We were, he said, at a hundred times more expence in our American ope-

rations, than they were; and we might carry on the war with greater success, by calling all our forces from America, and pouring them into the French settlements. As it was said in the last war, that France was conquered in Germany, so if ever America was to be conquered, it must be in France.

Gentlemen, he observed, had used a great many hard words respecting France. He saw no great harm in it, though it could not answer any very good purpose. It served, however, to bring an old saying to his mind; and old sayings sometimes contained such strong truths that they would occasionally obtrude themselves on men's minds. The old saying he alluded to, was this: "Let us not rail at Alexander, but let us beat him." That was exactly his feeling respecting the House of Bourbon: he was for beating France rather than for railing at her; and, as he thought, the best way to do that effectually, would be to pursue the war with America no longer, he was for turning the arms of this country solely against the House of Bourbon.

The hon. gentleman who moved the Address, had bestowed a particular commendation on a long list of officers

Quem virum aut heroa lyrâ vel acri
Tibiâ sumes celebrare?

above all, he had praised the valour and conduct of lord Cornwallis, who, he was ready to own, deserved the highest applause. But a right hon. gentleman had asked, would they refuse to thank lord Cornwallis and his officers, for their extraordinary gallantry at Camden? In answer to that question, he, for one, made no scruple to declare, that he most certainly would: he would not thank his own brother, who was now serving in America, for any success he might obtain: as long as he lived, he never would agree to join in a vote of thanks to any officer, whose laurels were gathered in the American war; and his reason was, he hated and detested the war, he regarded it as the fountain head of all the mischief and all the calamities which this miserable country laboured under at this moment.

He reprobated ministry for the ill use they had made of the army last summer. The military was, he said, a force at all times inimical to liberty, and therefore it behoved every Englishman to watch the army with a jealous eye. A few months since it was not safe for him, or any man

in that House, to speak their sentiments; but now the storm was over, it was their duty to speak out. The army were, it was true, called in upon pressing necessity, and used to great advantage in the metropolis, and so far the matter was laudable. What he alluded to as reprehensible, was, the King's servants having dared to send orders to officers in all the towns of the kingdom, giving them power to act at discretion, without waiting for the authority of the civil magistrates, and this as well in towns where quiet was perfectly restored and tumult had subsided, as in towns where there had not been the smallest proneness to tumult. And these orders had not been withdrawn, till almost every election was over. This was an alarming violence to the constitution, and called for enquiry.

He also severely arraigned ministers for the insult they had put upon the navy, in appointing a man to a most honourable and lucrative post, who stood convicted of having produced a false and malicious charge against his superior officer. There could, he said, be only one of the King's servants, so abandoned, and so lost to all sensibility and honour, as to have dared to advise any such measure as the giving the governorship of Greenwich Hospital to that object of universal detestation, sir Hugh Palliser; a man who was himself so conscious of his own unworthiness, that he had resigned all his employments, and by retiring from the sight of mankind, seemed as it were to have courted oblivion. There had never, he believed, been a precedent of a vice admiral having Greenwich-hospital. The cause of its being given to sir Hugh he did not doubt, was not his conduct on board the *Formidable*, but his subsequent behaviour, his conduct against admiral Keppel, his attempts to ruin the reputation of that gallant officer; and he felt the less wonder at this, because it was the characteristic of the present reign to run down, vilify, and defame, great and popular men, and to set up, support, countenance and reward the infamous. The late promotion of sir Hugh was on a par with the promotion of a man (lord G. Germain) to one of the highest civil employments in the state, who had been publicly degraded last war, and declared incapable of serving again in any military capacity, at the head of every regiment in the army.

He alluded to what lord Loughborough had said in his charge to the jury at St.

Margaret's Hill, last June*, relative to the Act of Charles 2, which ordained, that not more than ten persons should sign a petition to parliament, under a heavy penalty; and said, the doctrine shewed very plainly what system prevailed, and what were the wishes of administration, if not resisted, and prevented in time. He also alluded to Mr. Dunning's quondam character of the persons who governed this country, under the legal description of he, she, or they, and rung the changes for some time very laughably at the expence of administration, on those words, and their conduct, characterising the first, under the words, he, she, or they, and the second under the words, him, her, or them.

At length, after touching on a variety of topics, he recurred to the famous vote of the late parliament, relative to the influence of the crown, and said it was the last dying speech of that corrupted assembly, the death-bed confession of that wicked sinner; and it reminded him of the death-bed confession of other abandoned profligates, who after having heaped guilt upon guilt, just before they parted with the last breath, sent for a priest, and made confession of their manifold sins and transgressions, saying "although our gang stood so firm together, and all agreed in stiffly denying the many atrocious facts we committed, particularly our greatest crime, and most mischievous offence, it is very true we were guilty, and we hope our fate will prove a warning to those we leave behind us, and induce them to lead better lives, and not by following the same bad courses, which we have pursued, come to the same premature and miserable end."

Lord *George Germain* said, as the hon. gentleman had thought proper to throw out allusions, which he could not but see were directed at him, the House might possibly expect that he should make some reply; he rose therefore once for all to declare, that whenever gentlemen chose to descend to the meanness of dealing in personal invectives, and to single him out as their object, he was prepared to treat the invectives and the author of them with the contempt they deserved. The hon. gentleman had said, that though lord Cornwallis merited praise for his good conduct and gallantry in the affair at Camden, he would refuse to join in a vote of thanks to him, or to any officer, let him

deserve ever so much, who should gain a victory, in the progress of the American war; it was manly in the hon. gentleman to make this declaration, and all who thought of the American war as the hon. gentleman did, must of course join with him in that declaration; but as he thought very differently, he would fairly avow that he should vote for the Address, because he believed and hoped, that the war with America would be prosecuted with vigour. Of that war he had never entertained but one opinion, and that was, that it was a war which had been unavoidably begun, in support of the undoubted rights of Great Britain, and a war which he had the greatest hopes might be speedily brought to a happy and honourable conclusion.—Gentlemen, he observed, had been very liberal of severity in the course of the debate, and every one who had supported the Amendment, had condemned the American war, and called upon ministers to abandon it; not one of them, however, had suggested how this was to be done, or in what manner his Majesty's servants were to conduct a business of so much difficulty and importance. Gentlemen had talked of the alliance of America and France: if that were the case, was it to be expected that France would suffer America to treat separately with Great Britain? But in fact, the Congress and the people in power in America were not the allies, but the subjects and dependants of France: in order, therefore, to open a way for a treaty with America, the war must be carried on with vigour, and France be humbled through the sides of America. He had as little hope as the hon. gentleman, that this country would be able to subdue America; but he had not given up his expectations, that she might regain America. At present he was convinced more than half the people in America were the friends of this country; it belonged therefore to free them from the tyranny of Congress, and restore them to their liberties; and if the hon. gentlemen were so extremely anxious to distinguish themselves in the cause of freedom, here was fair occasion for the full exercise of that laudable impulse; the hon. gentlemen would fulfil their professions, by assisting in the support of measures calculated to free the Americans from the illegal, oppressive, and arbitrary government of their present rulers.—He could tell the gentlemen on what condition Congress was ready to treat with Great Britain: allow Ame-

* See Howell's State Trials, Vol. 21, p. 485.

rica her independency, and Congress would treat to-morrow. He, however, would not be the man to treat with America on this condition, and he hoped he should not live to see the day when a man could be found, who would venture to take that ground of treaty, and for this reason; the destruction of this country, he was persuaded, would be the consequence. Gentlemen advised the withdrawing our fleets and armies from America: what would follow? France and America united, would in a very short time send a powerful force against Newfoundland: they would seize upon our fisheries, and destroy that great nursery of our navy. Canada would fall next, and the possessions we yet had in the West Indies would be wrested from us, and he had not the least doubt but we should feel ourselves vigorously attacked in every quarter of the globe. He did not therefore hesitate to declare, that his opinion was for prosecuting the war with the utmost vigour; he thought the existence of this country depended on it, and was convinced that any other line of conduct would be the highest impolicy; that it would be a species of phrenzy, which nothing but despair could occasion.—Gentlemen had dwelt on the ill success of the war, and had expressed themselves as if this were the moment of despondency; he saw no reason for adopting melancholy sentiments. The last campaign had not been unsuccessful. In America we had gained considerably. In the West-Indies, what advantages had France and Spain to boast of, notwithstanding the great superiority of M. Guichen over admiral Rodney? The British admiral had now the command of those seas, and the important island of Jamaica, which day after day, for the whole summer together, we had been taught to believe lost, was perfectly secure. Next year he would venture to assure the House, we should have a fleet superior, both in number of ships and in point of equipment, to any we ever had, either in this or the last war. Upon all these considerations, therefore, he should vote for the Address, and he felt the less difficulty in doing so, because it bound the House to no specific measures, but left them at full liberty to act as prudence should hereafter dictate.

Admiral *Keppel* should not have taken the liberty to have said a word, considering what the House had heard from his hon. relation (Mr. Fox) had not the noble lord talked of our having a better navy next

year than we had at any time last war. He wished the noble lord had not gone quite so far; he did not expect to see a better navy, and should, as he believed the country would, be perfectly satisfied to see as good a navy afloat next year, as we had afloat in the course of last war. The admiral complained of the scandalous neglect of our navy, both in fitting it out, in equipment, and in its operations. He said, the officers had done their duty, and they always would do their duty he was convinced, but they had not been properly supported. Why was sir George Rodney left as he had been, without reinforcement, after he had written repeatedly for more ships? If a few ships had been sent to sir George early, he might have done a very essential service to his country, which for want of a few more ships he was obliged to decline attempting. The whole conduct of the war shewed the want of vigour and of wisdom in administration; and the only reason why France had not been more successful against us, was, he believed, because the French cabinet were equally divided, equally irresolute, and their counsels as bad as ours; it was their want of decision, and not our prudence, that had saved us. But after all, they had been suffered to send out a fleet and army to Rhode Island under M. Ternay, unmolested by us, when we had it in our power to prevent it. At that time, had a few of Mr. Walsingham's ships been taken, and added to others ready, they might have sailed and blocked up Brest harbour, and by that means have rendered Ternay's attempting to sail impracticable; but, according to the usual custom of the present administration, who in all their operations were too late, they made no effort to prevent the mischief, they contented themselves with tardily endeavouring to apply a bad remedy. They did not offer to stop Ternay, but they sent a fleet to follow him. At the time Ternay sailed, the admiral asserted, that there was a naval force lying at Causand Bay, at Plymouth, capable of intercepting him. This was a fact which he pledged himself to prove at the bar of the House, whenever the House should think proper to call upon him for that purpose. After putting this very strongly, the admiral took notice of the late appointment of sir Hugh Palliser to the government of Greenwich Hospital, and said, that bad as his opinion of ministers was, he was convinced, to adopt the expression of his hon. relation, there

could be but one man in administration so abandoned, as to be capable of recommending that person to his Majesty, as fit to fill the office of governor of Greenwich Hospital. It was owing to that man, that the navy had been thrown into its present lamentable state of party and division. All the dissensions, all the uneasiness which prevailed in his Majesty's fleets,—and that they did prevail to a very great degree was notorious—was ascribable to that person.

Alderman *Newnham* made his first speech, and said, he should vote against the Address, because it tended to countenance the present ministers, who had been guilty of the grossest neglect of our commerce, and of the most scandalous partiality in the imposition of taxes. He then stated the neglect of the Admiralty in sending out two such valuable fleets as the Quebec and West India fleets, with weak and improper convoys; and the little attention the minister paid to the petition of the city of London against the oppressive partiality of the house tax; the inhabitants of which paid more for their houses and shops, than the nobility and gentry for their gorgeous and stately country palaces. He then returned to the conduct of capt. Graves, commodore of the Quebec convoy, declaring it was universally reprobated; he had left the fleet to chance; his sole object seemed to have been the hunting after prizes. He then adverted to the fleets captured off Cape St. Vincent's, said the convoy was inadequate, considering there were five East India ships among them. He censured extremely their being intended for Madeira to take in wines, and letting such their intention be known; it was like a man telling a robber which way he meant to travel, and what inn he should put up at. He understood the captain of the *Ramillies* was esteemed a gallant and worthy officer, but he had been informed that the captain, the night before the capture, had seen nine sail a-head of him, and every person he had talked to on the subject, had given it as their opinion, that at that moment the signal for dispersing should have been hoisted. What he had said flowed entirely from his zealous regard for his country; he should ever speak his sentiments honestly and impartially, and not from any personal dislike to his Majesty's ministers; he did not know one of them, and had as little private pique to them, as he had attachment to any of those who wished to get into their places.

The question being put, that the words proposed to be left out, stand part of the question; the House divided:

Tellers.

YEAS	{	Mr. De Grey - - -	}	212
		Sir Grey Cooper - - -		
NOES	{	Mr. Thomas Grenville - -	}	130
		Mr. Byng - - -		

Mr. Grenville's Amendment was consequently lost: after which the original Address was agreed to.

The King's Answer.] His Majesty returned this Answer:

"Gentlemen,

"I thank you for this very dutiful Address. I receive your congratulations on the increase of my family, and on the happy recovery of the Queen, as a mark of your loyalty and affection. I have a firm confidence, that the support of my faithful Commons, and the spirit of my brave people, engaged in a just cause, and fighting for their country and their essential interests, will, in the end, enable me to surmount all difficulties, and to attain the object of all my measures and all my exertions, a safe and honourable peace."

Mr. Adam's Complaint of the Resolutions of the Westminster Committee of Association.] Nov. 13. On the motion for going into a Committee of Supply,

Mr. *Adam* rose, and prevented the Speaker from leaving the chair, by introducing a matter which, he declared, very much called for the attention of the House. He then said, he wished to mention something relative to the internal situation of this country, and thought he could not chuse a more proper time, than when the House was to proceed upon a vote, the consequence of which was to enable the nation to support itself against its enemies. That in the present internal distracted situation of this country, he could hardly tell what force would be sufficient without the unanimity, which had been talked of. He meant to allude to the committees of association, which had spread such baneful effects over this country, and which had given so much encouragement to its enemies. Before he proceeded to the particular subject, to which he meant to call the attention of the House, he stated that the American congress in their publications to encourage the people to persist in rebellion, had held out the distracted state of this country to them, by means of the

Committees of Association, as one of the principal inducements to the Americans to persevere in their exertions; but he added, that those assemblies had not confined themselves merely to public transactions, nor was the encouragement of our enemies the only thing that they had done, to disturb the peace, and prevent the unanimity of this country. They had, in the most unjustifiable and unprecedented manner, basely attempted to ruin the characters of every individual who opposed their views.

He then stated to the House, that he had in his hand the most singular publication that had ever appeared in any country, though it had a precedent in very remote antiquity;—what he particularly alluded to, was a publication he had met with in a newspaper of that morning. Having said this, he read the Resolves of the Westminster committee of the 10th instant.* He stated to the House, that though he read it from a daily newspaper, he meant no reflection on the printer of that paper, nor had he any intention of moving a censure on his conduct; the printer was a man who had the virtue in the present times to avoid all party partiality, and who seemed to be actuated merely by a zeal to promote the good of his country.

Having read the resolutions, and particularly called the attention of the House to the last of them, he congratulated, in an ironical strain, the hon. gentleman to whom they were addressed, upon the appointment of his body and life guards for the protection of his person. He com-

pared him to the Athenian Pisistratus, who, in former times, had a guard appointed by the people of Athens for the security and protection of his person; by the means of which, he overturned the liberty of his country. Continuing in this strain of irony, he hailed the hon. gentleman “King of Westminster;” and after enlarging upon the subject, and heightening the parallel considerably, he concluded with saying, he did not know whether to congratulate the hon. gentleman, or to condole with his country the most.

That the situation of this country was miserable indeed, when there was allowed to exist in it a dangerous and wicked combination of men, who, while they impudently attacked every peer or member of parliament who ventured to make any observations on their conduct, set themselves up as beings exclusively protected from any animadversion. A combination which had basely and infamously attempted to run down his character as an individual, by attributing to him motives for his conduct upon a certain occasion, which nothing but the depraved and infamous minds of the authors of that publication could have invented, or have supposed any person capable of. He spoke of the transaction which had last year unfortunately taken place between the hon. gentleman and himself,* as a matter, the bare recollection of which gave him the most poignant compunction, as a situation which he, of all men living, had the utmost unwillingness to be in at any time, and into which nothing but the strong and irre-

* “Westminster Committee of Association, King’s-Arms-tavern, Palace-yard, November 10, 1780.

“Resolved, That the thanks of this Committee be given to the hon. Charles James Fox, for his conduct in the House of Commons on Monday last, on which day, with a firmness becoming the representative of a free people, he exposed the pernicious principles and destructive measures of an abandoned administration, and afforded the fullest evidence to his constituents, that neither the temptations of men in power, nor apprehensions of their treatment, could cause him to deviate from that line of parliamentary conduct, which he hath hitherto pursued with so much honour, or induce him to desert the cause of the people.

“Resolved, As it is reasonable and just, that public approbation and support should be afforded to those men who defend the pub-

lic cause; that Mr. Fox by his conduct on that day, hath further endeared himself to his constituents, and in the strongest manner interested the inhabitants of this city and liberties in his welfare.

“Resolved, That this Committee being sensible, that the firm, constant, and intrepid performance of his duty will probably render him, in common with other distinguished friends of liberty, the object of such attacks as he has already experienced, and to which every unprincipled partizan of power is invited by the certainty of a reward, most earnestly exhort the inhabitants of Westminster to do their utmost, by every legal measure, to preserve to the great body of citizens, by whom he has been elected, and to his country, the benefit of his services, and the inviolable security of his person.

“Resolved, That this committee do adjourn to this day se’nnight, at 11 o’clock in the forenoon. JOHN CHURCHILL, Chairman.”

* See Vol. 20, p. 1116.

sistible impulse of injured honour could ever drag a man of real principle and of real sensibility.

He regretted that he did not know how far to form an opinion as to the legality or illegality of such meetings as committees of association. He said, a club at White's, Brookes's, or at Atwood's, was perfectly legal, till those clubs had done some illegal act, and if they attempted any attack upon the character of an individual, would become as unfit assemblies for gentlemen to associate in, and be as contemptible as that assembly, which had so unjustly calumniated his character. That he had been long attacked by anonymous abuse in newspapers, which he had formerly taken notice of in that House; that he did not know at that time to what quarter that abuse was to be traced; he now knew that he was to attribute it to the members of the Westminster committee. And when he saw in the newspapers that Mr. Adam seconded a motion for a new writ for Coventry, from scandalous and improper motives, he was justified in saying, that that and such like paragraphs, came from the same quarter. That the publication he animadverted upon, not only calumniated him, but gave the hon. gentleman to whom it was addressed, an exclusive privilege by an unreserved grant of exclusive protection, to launch forth, if he was capable of availing himself of it, into every species of personality and abuse. That time would shew from that gentleman's future conduct, how far he was capable of availing himself of it. Mr. Adam then said, that he was going to touch upon a subject, by mentioning his own character, in which he might possibly incur the imputation of vanity; but when a person's character was basely and falsely traduced, not to mention it was to act with timidity; that few men knew the nature of his life, which was private and retired, but that he could boast a strict and regular system of domestic œconomy, which enabled him to live wholly independent, upon the fortune which had fallen to his share. That the principal happiness and ambition of his life was to discharge the private duties of a private situation with honour and integrity, to be a good son, a good husband, a good father, and a faithful friend. That he could not brag of a long line of ancestry, whose vices were to degrade, or whose virtues were to adorn the page of the historian. But that circumstance made him more proud and more anxious to maintain

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his character unspotted and unimpeached, and to repel every attack that was made upon it from whatever quarter. He concluded with saying, that he looked upon every person who adopted the resolutions of that committee as base and infamous calumniators of his character, and unworthy the protection of a civilized country.

Mr. Fox rose to reply, and began with declaring, that as to any expressions personal to himself, which had fallen from the hon. gentleman, who felt so sore at the paper which he had read to the House, he should not take the least notice of them; but in regard to the advertisement itself, he did assure the hon. gentleman and the House, upon his honour, that he was not present at the drawing it up, and that it was published without either his consent or knowledge. Had he been at the committee when it was drawn up, he should, undoubtedly, have used all the persuasion that he was master of, to have prevented the committee from coming to or publishing any such resolution; because though the resolution was evidently founded in zeal and affection to him, it was, in his opinion, an imprudent resolution; and this he could appeal to his hon. friend below him (Mr. Fitzpatrick) to vouch for having been the opinion he declared when he first saw it. He said, he had imagined some persons would be induced to put the same construction on it, which the hon. gentleman had now put upon it. With regard to the ridicule the hon. gentleman had thought proper to throw upon the committee, and upon him, that was a matter of perfect indifference to him, and the more so, because the gentlemen who formed that committee, were great and respectable characters; men who, he doubted not, had well weighed every word used in the resolution, considered its import fully, and who were prepared to justify the advertisement and the resolution with their honours and their reputation. And, after all, what was the resolution complained of with so much warmth by the hon. gentleman? A form of words evidently flowing from the good opinion and the affection the Westminster committee entertained of him, but which seriously and duly considered, conveyed no personal charge against any man, nor did they warrant any man's taking them up angrily or resentfully: besides, in what way was the House to treat a matter introduced in the very extraordinary manner in which the hon. gentleman had thought proper to introduce the ad-

vertisement to which he was then speaking, without making it the subject of any motion whatsoever. If the hon. gentleman really thought himself warranted to treat the resolutions of the Westminster committee seriously, why did he not complain of the paper to the House as a breach of privilege? If the hon. gentleman thought proper to adopt that mode of proceeding, he was ready to meet it on that ground, and to defend the resolution. If the hon. gentleman chose to make it the subject of another sort of process elsewhere, and to charge it as a libel, he would find that the Westminster committee were ready to take it up when so charged, and to defend the legality of their proceedings. The hon. gentleman had chosen to laugh at him, and to turn him into ridicule, under the character of Pisistratus. In what, he begged to know, had he ever shewn a desire to obtain illegal honours? In what had he attempted to set himself above the laws of his country, or to aim at receiving any other honours, than such honours as he was perfectly competent to receive? The hon. gentleman, after flourishing a great deal about his body-guard, and other matters of that sort, had talked of the Westminster committee's proceeding by and by to constitute him king of Westminster. The Westminster committee, he would tell the hon. gentleman, as well as the whole body of inhabitants of that most respectable city, wished for no other king, than the king now upon the throne: they loved that king, and they revered the constitution by which he reigned; and it was out of a foolish partiality to him, and because they rashly, perhaps, thought him the best qualified to support that king and that constitution, to maintain the glory of the one, and preserve the other in safety, that they had chosen him their representative in parliament, in the noblest and most spirited manner, in direct defiance of the avowed and unreservedly exercised influence of the crown. It was, perhaps, from a weak and an ill-founded partiality of opinion in favour of his abilities, that the electors of the city of Westminster had done him that honour; all that he could do in return was to declare, that his conduct should be an example of most sincere and perfect gratitude. It could not, however, surely be warrantably advanced, that from this circumstance he was imitating Pisistratus, or that he was endeavouring to obtain illegal honours. The electors of Westminster thought well of his efforts in

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that House, and this naturally shewed itself in acts of affection and regard to him. Lost almost as the public cause seemed to be, they were glad to find the representative for Westminster among the number of those true friends to liberty, who best served their country, and who were still determined to stand in the breach to resist the torrent of corruption and increasing influence, which threatened to bear down the constitution, and to destroy it. In order to do this, he, and those with whom he acted, had sacrificed their interests, they had sacrificed their ambition, they had sacrificed all views of greatness and emolument, they had sacrificed every thing that could gratify the mind of man, or fall within the wish of human pride, or human vanity. Let not gentlemen on the other side, on almost every one of whom places, pensions, titles, and rewards of every kind, were profusely heaped! then grudge either him or others the poor comfort of a little popular applause. Let them not complain that the people held his humble efforts to serve his country in some degree of estimation. And though they might, in the warmth of their zeal and affection, use a few imprudent words, for such he granted those words were, which composed the resolution of the Westminster committee read to the House by the hon. gentleman, let it not be said, that he was borne off his legs by popular honours, or that he was frantic with popular applause. Had he been anxious to court those honours, and to obtain that applause, opportunities had offered, which he should not have neglected. In the time of the tumults, when the people were madly riotous, had he uttered one word, or said a syllable in support of the Protestant association? On the contrary, had he not opposed it firmly, and been among the first to reprobate those lawless proceedings which began with insult to that and the other House of Parliament, and did not end till the public prisons, and private property, to an immense amount, had been burnt and destroyed. Again, when a measure was in agitation within those walls, which was particularly the object of opposition from those very persons, whom it was at that time known, he wished should become his constituents, had he with a view to court popular applause, meanly given up his opinion, and adopted that of those who had since chosen him their representative? On the other hand, was it not notorious to every gentleman

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present, who had sat in the last parliament, that he stood up in his place, and firmly supported the measure, declaring at the same time, that he trusted it would be a proof to the electors, that if they chose him their representative, they would send to parliament a member who, at least, was sincere, and who was at all times determined to speak his real sentiments.

After other instances adduced in proof, that the popular applause with which he had been honoured, was the voluntary gift of the people, and had not been sought after by him, either industriously or improperly, Mr. Fox took notice of the necessary freedom of debate, and said, that as it was the dearest and most inestimable privilege of a British senator, so was it the last right that he would abandon or give up; and here he must observe, that in his speech on the first day of the last session, in his speech on the first day of the present session, he had talked language, which however people might choose to construe it, was not, he would at all times maintain, in the least personal to any man whatever. As long as he had the honour to sit in that House, he would exercise that inestimable privilege of speaking freely upon public matters, both as to the conduct of men in public situations, and of measures any way connected with the public interest. He had spoken freely hitherto, whenever he had taken the liberty to rise in that House; and in spite of every attempt to prevent him, of every sort that could be suggested, he would continue to use and support the freedom of debate. He thought it necessary to say thus much, and to say it in the most express terms just then, because he foresaw, that in speaking to the subject which was presently to be taken into consideration, as the order of the day, when a supply for the support of the navy was to be proposed, he should have occasion to advert to the character of a person, who, if report was to be credited, and there could be found constituents sufficiently abandoned and lost to all sense of honour as to choose him their representative, was shortly to come among them. That person had been convicted by one court martial of having preferred a false and malicious accusation against his superior officer, and he had been tried for his own conduct by another court martial, who had neither acquitted him honourably, nor acquitted him unanimously. Those trials were matters of public notoriety, and

therefore they were the fit subjects for parliamentary allusion, and for free discussion within those walls; to those trials he should have occasion to refer, in what he should have to say when the supply for the support of the navy came under debate; and as often as any matter relative to the navy was the topic of consideration, so often should he most undoubtedly speak of those trials, and the person to whom they had relation, without reserve. Nor had that gentleman, or any other gentleman, any right to complain of being personally insulted by what he should then say. If he were to prefer an indictment against any person accusing that person of a crime, none surely but the most wrong-headed man in the world would deem the hard words, which constitute the legal and technical phrases of the indictment, so many private affronts to him as a gentleman; the case was exactly the same as to his treating upon any public topic in that House. He owned, he was a little astonished to hear the hon. gentleman who spoke last, congratulate him upon his having, in consequence of the Westminster committee's resolution, an exclusive privilege of speaking personalities within those walls—he had already said, he never had spoken personalities—had he indulged himself with entering into a dissertation on economy, and the well-ordered arrangement of his private affairs, or talked of noble ancestry and noble vices, or alluded to his domestic virtues, and pointed all these things at any particular gentleman, he should have supposed, he might with reason have been accused of having dealt in personalities; but so long as he confined himself to public matters, and public matters only, he did not imagine the House would think that the character of being fond of personalities belonged exclusively to him.

After gently touching on his affair, last session, with Mr. Adam, declaring it could never be alluded to without giving that hon. gentleman and himself great pain, and after many other remarks, struck out with all that wonderful quickness of conception, happy position, and force and poignancy of application, which generally distinguish the speeches of this gentleman; he concluded with declaring, that he was ready to defend the resolution of the Westminster Committee, though at the same time he was ready to confess, that he thought it imprudently drawn up, and

that it contained words which had better not have been used on the occasion.

Mr. *Adam* read in answer to what Mr. Fox had said of the resolutions not being personal to him, the following words of the last of those resolutions: Resolved, "That this committee being sensible, that the firm, constant, and intrepid performance of his duty, will probably render him, in common with other distinguished friends of liberty, the object of such attacks as he has already experienced, and to which every unprincipled partizan of power is invited by the certainty of reward." He then added, that every person, conjunctively and severally, of that committee, who approved of those words, was an infamous and base traducer of his character.

Mr. *Fitzpatrick* rose to corroborate and confirm what his hon. friend (Mr. Fox) had said, relative to his not being present when the Westminster committee came to the resolution which had been so warmly complained of. He said he had the honour to belong to that committee, and a very great honour he thought it, because he was convinced, there were among the members of it, some of the first and most respectable characters in the kingdom; men as well read in the history of the British constitution, and as zealously attached to that constitution, as had lived in any period of the existence of this country. He declared, that he was absent, as well as his hon. friend, when the resolutions were proposed and carried; having, therefore, no hand in drawing them up, it was impossible for him to say what or whom the particular gentlemen who penned them had in their view at the time; he was sure, however, from the known honour of the committee, that their intention was a good and a warrantable one; he therefore thought it right to say, that the resolutions had his hearty consent.

Mr. *Adam* said, in answer, that if either the hon. gentleman who spoke last, or any other person approved of, and assented to the words in question, as personally applied to him, that he meant to apply to him and them, every epithet he had mentioned.

Mr. *Fitzpatrick* then said, that if the hon. gentleman chose to apply any part of the words used in the resolution to himself, he could not possibly help it. He must still approve of those resolutions, but he had not applied them to the hon. gentleman, neither had he said, they contained any thing immediately applicable to him,

or which the hon. gentleman was entitled to apply to himself. They certainly had his consent; nor did he feel himself at all obliged to give his reasons why he consented to them.

Sir *James Lowther* said, that the conversation had been a most extraordinary one, and that he did not understand the time of the House being taken up in that manner. The hon. gentleman (Mr. Adam) had once before risen and taken up words of a general import, in a wrong sense; and supposing they applied to him personally, had expressed himself in a warm and angry manner, contrary to the rules of the House.

This altercation was put an end to, by the order of the day being loudly called for.

Proceedings in the Lords on the Quarrel between the Duke of Grafton and the Earl of Pomfret.] Nov. 3. The Lord Chancellor rose and said, a rumour had reached his ears of an insult having been offered, and a farther insult threatened, to one of their lordships; that the whole of the report was so uniformly consonant, that although it was impossible for the House to take up the matter in its present stage, or for him to suggest to their lordships what would be the proceedings which might possibly be necessary, when the facts were formally before the House, yet he had thought it incumbent on him to rise, not to inform, but to remind their lordships, that such a rumour had prevailed, and to state that it was their duty to take some step in relation to the rumour, which to their wisdom should seem most likely to rescue the House from so great an indignity as it would unavoidably sustain, if an insult was permitted to be offered to the person of any one peer. He had only to add, that if, by accident, any of the noble lords present were in possession of certain facts stated in the rumour, or of any letters tending to shew what those facts were, it would be an act of duty, on their parts, and of obligation to the House, to communicate the same to their lordships.

The Earl of *Jersey* said, a correspondence tending to the most serious consequences had taken place between two noble peers, which, unless immediate steps were taken, might be fatal to one or both of the parties. His lordship was then called upon for their names; he replied, "the duke of Grafton and lord Pomfret."

The Lord Chancellor believed the first

step to be taken, was, to direct the two members to attend in their places on a certain day. He then moved, "That the duke of Grafton and the earl of Pomfret do attend this House in their places on Monday next;" which was agreed to.

Nov. 6. The order for the attendance of the duke of Grafton and lord Pomfret being read,

The *Lord Chancellor* observed, that a noble earl had stated in his place on Friday, that a noble duke and a noble earl, members of that House, had had a correspondence which from its complexion and tendency was likely to be productive of very fatal consequences. Upon this information the order now read was made by the House, and as he perceived that in compliance with that order both the lords were in their places, and as it was impossible for the House to proceed further in the business without being informed of the circumstances alluded to, it was expected that the noble lords, or either of them, would state to the House, as members, how far they were respectively concerned.

The Duke of *Grafton* then rose, and begged leave to inform their lordships, that he was there in his place in consequence of their lordships' order; that he thought it his duty to obey the orders of the House at all times, and upon all occasions, for which reason, with the permission of the House, he should proceed to give a faithful account of what passed, as far as came within his knowledge. He should avoid detail as much as possible, and omit every circumstance which was not supported by facts. He should just observe, that the noble earl near him and he had never any disagreement whatever; that he always entertained a high respect and esteem for his lordship; and that of course, what had recently happened seemed to him the more unaccountable. To his utter astonishment, on Sunday fortnight, the 22d ult. early in the morning, at his seat of Euston-hall in Suffolk, he received the following letter, which he begged to be indulged so far as that the clerk might read it. He said, it was a letter signed Pomfret; and it having been offered, lord Pomfret acknowledged it to be his hand-writing. He said the letter was delivered to him as coming from the noble earl, who, he understood from the bearer, was waiting for an answer at the inn at the park-gate. The letter was then handed to the clerk, and read by him. It

imported, that his lordship was waiting for him with a case of pistols and a sword, and demanded satisfaction; the cause of which demand was, that the noble duke, to whom the letter was directed, had provided for and protected a servant of his, one Langstaff, lately discharged; and concluded with positively demanding immediate satisfaction.

His grace, as soon as the letter was read, professed he never was so astonished in his life. He had never till that instant so much as heard of Langstaff's name, and had continued always to live upon the most friendly terms with the noble earl, from their earliest acquaintance; and he could affirm, as the great God was his judge, he neither directly nor indirectly had any hand in providing for Langstaff. Surprised at the extraordinary tenor of the letter, but conscious of his own innocence, he immediately wrote the noble lord an answer. The answer was read, and was to the following purport: that he knew nothing whatever of the supposed ground of offence; professed his high esteem for his lordship; begged that the noble earl would either on receipt come to Euston, or when a friend of his, who was then at church, should return, he would send him to wait on the noble lord to explain the matter to him, and convince him that there was not the most distant colour for the displeasure he had conceived against him.

In what he had done hitherto, his grace said, he had consulted no one, but as soon as his friend returned, he imparted the whole matter to him, and they both went to the inn to enquire for the noble lord; but when they came there, could get no account of any such person. He had himself perceived a chaise at a distance, and went to the place where he had seen it, and enquiring at a cottage near which the chaise stood, was informed that as soon as the servant went back to the chaise, orders were given to the driver to turn the horses the other way, and it instantly drove off.

In the evening of the same day he received a letter dated from Barton-mills, 5 o'clock, which was likewise handed to, and read by the clerk. This letter, after passing some handsome compliments on the noble duke's public conduct, and professing himself perfectly satisfied with his grace's conduct, proceeded to state the grounds of his suspicion, and of course his motives for writing the letter delivered in

the morning. It observed that Langstaff had been his game-keeper, and that he had discharged him; that Langstaff vowed vengeance on his being dismissed from his service; that he had lately caused him to be apprehended, and brought before two magistrates on suspicion, and that one Smyth, his grace's huntsman, had interested himself in Langstaff's behalf before the magistrates, saying that Langstaff was under his grace's protection, who had lately provided for him in the excise; and that in consequence of his grace's name, and the influence annexed to it, Langstaff had been set at liberty. His causes of complaint against Langstaff were then stated; and he concluded his letter by testifying his perfect satisfaction, provided the noble duke would insist that Smyth should disavow having any authority from his grace for making use of his name.

This letter being read, his grace said, by the time it reached him, his huntsman had come from Whittlebury-forest, in Northamptonshire, and informed him, that Mr. Smyth was to set off on Monday, the next day, with the dogs and hunters for Euston. This being a distance of ninety miles, he concluded, that Mr. Smyth would not reach Euston till Wednesday evening; he did not therefore lose a minute's time, but instantly wrote a note, and dispatched a servant with it to Barton-mills, where, he presumed, the noble earl might have rested for the evening, desiring the servant however to bring back the note if he should not find lord Pomfret there. The servant accordingly did so, and learnt, that the horses which drew the carriage were Barton-mills horses, but that the noble lord had gone back to the last post. In this note he stated the circumstance of his expecting Mr. Smyth at Euston the ensuing Wednesday, and of his taking the earliest opportunity, after Mr. Smyth's arrival, of causing him to write a letter to the noble earl, containing a true state of the transaction, and of course informing his lordship that he knew nothing at all of Langstaff, and if any one had made use of his name in the affair, it was totally without any authority from him. So the matter rested. His grace said, that on this note being returned to him by the servant he sent with it to Barton-mills, he transmitted it, by the general post, to his lordship at Euston, near Northampton. On the arrival of Mr. Smyth at Euston, he imparted to him what had passed, and Mr. Smyth immediately wrote to his lord-

ship, denying every thing respecting Langstaff, of which his lordship had been informed, so far as the same respected his grace. He remained at Euston till Wednesday last, and arrived in town on Friday, when, about five o'clock in the afternoon, he received a third letter from the noble earl.

This letter was likewise read by the clerk, and after declaring that his resentments had returned, charged his grace, in the foulest and most unbecoming language, with cowardice; gave no credit to his repeated assertions; and accused him with acting basely. After the several letters were read, his grace expressed himself in very moderate terms, and with a candour and generosity that did him great honour. As soon as his grace sat down,

The Earl of *Pomfret* rose. His lordship opposed strongly the reading of the last letter, but was called three or four times to order by the Chancellor. His general defence, though consisting of a great variety of particulars, may be thus shortly comprised: that he had a game-keeper, one Langstaff, who being disappointed of being made his steward, conceived the worst intentions against himself, family, and house, denouncing destruction against them all: that before he quitted his service, he endeavoured to carry some of his threats into execution, particularly against one of his sons, whom he endeavoured to allure to the stables, and knock on the head with some deadly weapon, under pretence that the horse or horses had kicked him. That before he left his service, he had frequently and loudly denounced those threats: that he had a fine colt ripped open, and his entrails let out, by this man: that he had him apprehended, upon suspicion of the felony, and let him go, on condition that he would keep out of Towcester and its neighbourhood: that he was induced to take this step, merely on the account of the safety of his own person, his wife, and children, all of whom, he feared, would fall by the hands of this assassin, and his house and furniture be destroyed by fire.

That, for the benefit of the air, he and his family removed to a place near town, for which he was indebted to his Majesty's goodness, where he remained till he returned to his seat in Northamptonshire on the 12th of October, where he confessed he was equally filled with alarm and indignation, on being informed that Langstaff was returned in the capacity of an as-

sistant to the officer of excise for the district of Towcester. His fears and apprehensions again returned for his wife, children, and property, and they soon appeared to be well founded, for he had a fine colt lamed by the malicious means employed by Langstaff, who prevailed on the farrier, who shod him, to drive two nails up the quick or frog of two of his feet, so as to render him quite useless. On this ground he had the villain taken up on suspicion, and brought before two justices, but through the interference of Smyth, the noble duke's huntsman, who made use of the noble duke's name, the fellow was let to go at large. Under such a distress of mind, in continual fear for his wife and children, for himself and his property, and finding no redress nor prospect of redress, so long as the fellow continued to be thus so powerfully supported, he was led to take the steps he did, and though now he was ready to give his honour to take no further notice of what had happened, so far as the same respected the noble duke, he looked upon it that he had no right to pay any great degree of credit to what had passed, nor could he say but he had strong motives of resentment, which had only been suspended, not subsided, when, instead of a satisfactory declaration from the noble duke, he referred him to a written explanation to be given by his huntsman. He received the letter alluded to by the noble duke from Smyth, which he would read; but taking all the circumstances, and considering them together, he had no right to be pleased, and he was now enabled to see to the bottom of the whole, and see clearly where the matter originated. Smyth was his grace's huntsman, and in his intimacy he procured the place for Langstaff, and rode about the country with him, giving him his countenance, and reporting that he was protected by the noble duke. Mr. Stonehewer was the person who procured him the place, and the matter was every way clear in itself.

His lordship here read Mr. Smyth's explanatory letter, dated Euston, in part, and after he had proceeded, handed it to the clerk, observing, that it was such a heap of nonsense and ignorance that he could not bear to read it. The letter stated that several persons in the neighbourhood had applied to him (Smyth) to endeavour to procure for Langstaff a place in the excise; that in consequence of this application he recommended him to Mr. Stone-

hewer, one of the commissioners of excise, who sent down an order to have him instructed preparatory to his appointment; in consequence of which the excise officer of Towcester, it being the next place to his residence, had orders to instruct him; that as to the apprehensions of Langstaff's remaining there, they were totally unfounded, for having wrote to the supervisor of excise, he assured him that it was a rule never to appoint a man to a district where he was instructed, nor in the county where he was born; and as to what passed before the justices on the apprehension of Langstaff, he was discharged merely because an affidavit was made by a person that the night his lordship's colt was so cruelly treated, Langstaff slept in his house.

This letter being read, his lordship reiterated several of his former arguments, pleaded his well-founded apprehensions of the diabolical intentions of Langstaff against his family, spoke much of his weakness, and the means that had been made use of to prejudice the public against him, and submitted to their lordships, whether, under such a load of obloquy, oppression, provocation, and ill-treatment, he had not great cause of resentment. His lordship concluded with declaring upon his honour, "That having obtained the information he wanted, he would not pursue his revenge against the duke of Grafton any further."

The *Lord Chancellor* rose and said, in point of form, as well as he had been able to make himself master of precedent, the next proceeding of the House should be to desire the duke and the earl to withdraw, while their lordships debated what measures it was proper for the House to pursue, in consequence of what they had just heard.

One of the lords calling out, "let them withdraw to separate rooms," and another, "not the duke of Grafton."

The *Earl of Pomfret* rose somewhat agitated, and said he hoped the other lord was to withdraw as well as himself; but that he did not understand what was meant by locking them up in separate rooms. To treat their own members thus, was a great indignity. Besides, he had just pledged his honour to the House, to pursue his revenge no farther; the duke's life therefore was as safe in his hands, as in those of any one of their lordships. He appealed to lord Amherst, as a general officer, and a judge of the rules of honour.

Lord Amherst made no reply, and the

Lord Chancellor putting the question, "that they should both retire, and be put into separate rooms," it was ordered. The Lord Chancellor then reminded their lordships of what had passed, and called upon them to come to some resolutions, such as to the wisdom of the House should seem most proper to the occasion. After a short silence,

Lord *Camden* rose and said, after the very full and explicit manner in which the noble duke had explained his conduct, and, he was satisfied, had convinced the House, of his entire innocence of the charge urged against him by the earl of Pomfret, he had expected that the earl would have begun his address with acknowledging, in the amplest expressions, his error and misapprehension, and after atoning unreservedly to the noble duke, for the trouble and alarm he had given him, would have thrown himself upon their lordships' goodness for not proceeding farther in the business; instead of this, in the course of his speech, the earl had given him very great pain and anxiety, dreading that there was yet serious cause of apprehension of danger. Though the noble earl had said, he would pursue the matter no further, it could not have escaped their lordships' observation, with what warmth the earl had dwelt upon parts of his story, how much he appeared, as it were, to be enraptured with it, and afforded repeated cause for suspicion that the flame would burst forth afresh; it behoved the House therefore to proceed with great caution and prudence in the business. His lordship further said he got up with no view to propose any specific resolution, but merely to take the sense of the House upon what they had just heard, and to state to them what had been the customary proceeding of their lordships in such cases, according to the precedents upon the journals; there were, he said, two cases, there entered, both of very old date,—though a lawyer by profession, he did not pretend to understand the laws of honour; he would therefore state the first of the two cases, which was that of a challenge sent by the earl of Middlesex to the earl of Bridgewater, in consequence of a misapprehension of the former, that the latter was concerned in carrying off his niece. That challenge reached the ears of the king, who referred it to a certain number of lords, for enquiry and adjustment, but they not succeeding, two more were added on each side, to re-enquire, and contribute

their assistance in endeavouring to put an amicable issue to the business, but their efforts proving equally fruitless, the king referred it to the earl marshal, who drew up a certain sentence to be subscribed by each earl: when this was done, the king sent for both the lords, and called upon them to subscribe to the sentence; the earl of Bridgewater complied, but the earl of Middlesex refusing, it gave the king great offence, and his majesty then referred it to the House of Lords, in order that they might enforce obedience, and punish the uncomplying earl. The House proceeded upon it, and having first enquired into it fully, brought them both upon their knees as delinquents to the bar, committed the earl of Middlesex to the Tower for having sent the challenge, and the earl of Bridgewater to the custody of the gentleman usher of the Black Rod, for having accepted it, nor would they release the earl, till he had formally, in words settled previously by the House, begged pardon of the earl of Bridgewater, made submission to the king and to the House, and received a severe reprehension from the Speaker. The earl of Bridgewater also received a censure, and was obliged to ask pardon of the king. Having mentioned the whole of this precedent, his lordship moved that the clerk should read it at large, as entered on the journals. [It was done accordingly; the case happened in the session of 1663.—The case of lord Granville and lord Keverton, which happened in 1690, was also read. In that case it appeared that they were both ordered to the bar. That lord Keverton evaded the summons till after the House had made an order, authorising their messengers to enter and break open any house in which they suspected lord Keverton was secreted, taking with them a peace officer. When they were both at the bar, the House made them mutually and individually pledge their honours that the quarrel should proceed no further.] These precedents being read, the noble lord said, that neither of them exactly hit the present case, but the House had it in their power to form their resolutions upon it agreeably to either; he should make no specific proposal. The noble earl had already pledged his honour that the matter should go no further. Their lordships must judge for themselves, whether they thought that was sufficient, or whether the offence done to their own dignity did not call for further notice, and

possibly might render it proper to follow the precedent of 1663, and commit the earl till they had determined further. With regard to the duke of Grafton, his grace must stand clearly acquitted of having offended the House, and it was a doubt with him whether they had not already gone a step too far, in ordering the duke to withdraw.

The House remaining silent a second or two,

The *Lord Chancellor* left the woolsack, and said, merely that a matter of so much importance to the dignity of the House might not stop in its course, he had made himself as well master of precedents as he was able, and, with the permission of their lordships, and subject to their controul, had suggested what was the first necessary proceedings, but he should feel himself extremely awkward, if it were still left to him to suggest what was proper to do further, because he thought it highly unbecoming the situation he filled, for him to point out what the House ought to resolve. At the same time he should be extremely sorry that the matter should fall so miserably short of its proper termination as to end there. Their lordships were now in possession of all the facts, and it was the time to come to some resolutions upon them; what those resolutions ought to be, it was not for him to declare. He would with great submission remind their lordships of the present stage of the business, and state the two obvious courses for the House to pursue, leaving it to their lordships to adopt which they thought most consistent with the gravity of their proceedings, and most due to their own dignity. The *Lord Chancellor* then stated, that the earl had been proved by the letters produced, and by his own confession, to have committed a crime in sending a challenge to a member of that House, which was not only an insult to the dignity of that House, but a matter tending to the violation of the law of the land, and a breach of the peace of the kingdom. Their lordships were to consider whether what the earl had said, was a sufficient assurance of his future preservation of the peace, and a satisfaction to the House for what had already passed, or whether it ought or ought not to be followed by censure at the bar, or both by that and punishment, of the proceedings in either of which cases, the *Lord Chancellor* minutely informed the House.

The *Marquis of Rockingham* said, that

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neither of the precedents which had been read, in his idea, came near the present case: that in his mind this was entirely a new case, such as had never occurred before, and therefore must be proceeded upon out of the usual course. This was not a case of honour. Honour was not the pretence upon which the challenge had been sent. Their lordships must all have perceived that there was something else, something of a very different nature lurking at the bottom of it. The whole of the earl's speech confirmed this, and though when the earl was quite cool, he did not believe there was one lord present, who was more rigidly a man of honour, or would more religiously observe his pledge of honour; he could not but express his doubts, whether such an assurance now, when the earl was obviously greatly agitated, was any security to the duke of Grafton. He remarked that parliament had lately taken great pains that men, whose imaginations were so unsettled as those of the unfortunate earl, should not injure their heirs, or deprive them of their inheritance. The law had taken particular care of the unhappy persons themselves, and for their families; but it had taken no care of the public at large, and not only the noble duke, whose treatment and danger their lordships had that day been made acquainted with, but every individual held his life at their mercy. It became the House therefore, if it had any such power, or the noble and learned lord on the woolsack, or the judges, or wherever the constitution had lodged the power, to take some step for the security of the public; such men ought not to be at liberty.

The *Marquis of Carmarthen*, after a pathetic introduction, lamenting the whole of the unfortunate business, and paying the highest compliments to the earl's integrity, were he perfectly collected, observed in a series of very apposite remarks, that there was great danger in the earl's being suffered to be at large, and therefore moved, "That George earl of Pomfret, having sent a challenge to the duke of Grafton, hath been guilty of a high contempt of this House." This was put and carried. It was then ordered, That the said earl for his said offence be committed to the Tower. Then the earl of Pomfret was called to the bar, and after he had kneeled as a delinquent, the *Lord Chancellor* pronounced to him the said order. His lordship bowed and retired, attended by the Black Rod. The *marquis of Carmar-*

then then moved, "That the behaviour of his grace the duke of Grafton throughout the whole of this affair, hath been highly laudable and meritorious, consistent with the character and feelings of a man of honour, and the dignity of a peer of this House;" which was agreed to.

Nov. 15. The Earl of Pomfret having presented a Petition, the order of the day was read for taking the same into consideration. The Petition was read: "Humbly shewing; That your petitioner hath, ever since he fell into the displeasure of this honourable House, been highly afflicted, that he should upon any account whatsoever deserve to be separated from that House, of which he hath the honour to be a member. That your petitioner doth in all humility acknowledge his offences, and your justice in all that you have ordered concerning him. May it therefore please your lordships to take into your most honourable considerations, the deep sense your petitioner hath, that he hath justly deserved the displeasure of your lordships, and doth most humbly implore the grace and favour of this honourable House, in pardoning his offences, and restoring him to their good opinion, and the effects of it."

The Marquis of *Carmarthen* then moved, 1. "That the earl of Pomfret do have the reprehension of this House, for his offence committed against this House, to be given him at the bar standing. 2. That his lordship do make his humble submission to this House standing in his place. 3. That he do promise upon his honour to pursue no further any measures of violence or resentment against any persons who may have been the objects thereof." These several questions were put and agreed to.

Nov. 16. The Marquis of *Carmarthen*, as chairman of the committee of privileges, to whom the consideration of the earl of Pomfret's petition was referred, rose and read the report of the said committee. It was in substance as follows: That the earl of Pomfret be brought up to the bar, as the next day, in the custody of the lieutenant of the Tower; that, standing at the bar, he be acquainted with the proceedings had in his lordship's absence, and be reprimanded, in terms expressive of the sense the House conceive of the breach of privilege he had been guilty of, and the high insult given to the dignity of that

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House by his lordship, in sending letters to the duke of Grafton, containing a challenge to fight, and couched in terms of abuse and personal reproach, unfit to be sent to any member of that House. Likewise acquaint the noble earl, that their lordships had remitted the punishment, justly due to so high an offence, aggravated as it was, by all the circumstances which accompanied it, on account of the humble petition presented to the House by his lordship, containing an acknowledgment of his said offence, and expressing a sorrow for his having done any thing which could have brought upon him the displeasure of their lordships. The report further stated, that it would be expected, that the noble earl should acknowledge, that the resentments conceived by him against the noble duke, had been founded in the mistaken apprehension of an affront, which, he was convinced, the noble duke did not offer; and finally declare, upon his honour, that all his former resentments and suspicions were at an end; and that they should cease, as well in respect of the noble duke against whom they appeared to be chiefly directed, as the several other persons who had been objects of them.

Nov. 17. The Earl of Pomfret being brought to the bar,

The *Lord Chancellor* spoke as follows: My lord; the House has commanded me to express the just offence and displeasure which the Lords have conceived, at the heinous insult which you have committed upon the dignity and privilege of this House, in the person of a peer, by sending to the duke of Grafton the letters which have been read; wherein are contained expressions most unworthy and unfit to be used by a person of honour, unto a person of the like quality: and I am further commanded, by order of this House, to give you this solemn and severe reprimand for the same. But in consideration of the submission contained in the humble petition, which you presented to this House on Monday last, the Lords are content to remit your further punishment, upon your making such acknowledgment and submission to the House, and entering solemnly, and upon your honour, into such engagement as this House hath thought fit to order, and prescribe for that purpose.

The Earl of *Pomfret* being then taken from the bar, and admitted to his seat in the body of the House, spoke as follows:—"My lords: I feel the most sincere

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concern at having merited the displeasure of your lordships, by sending to the duke of Grafton, a peer of this House, those rash and unadvised letters which have given your lordships so much and so just offence, for which I most humbly ask pardon of this most honourable House: they were dictated by the suspicion of an affront, which I am now convinced his grace did not offer. I do here promise solemnly, and upon my honour, that I will not further pursue any measure of violence against the person of the duke of Grafton, or against any other person, upon the account of such suspicion, or of any thing that hath passed upon this occasion."

His lordship was then discharged out of custody.

Coventry Election Petition.] Nov. 20. Mr. Fox said, he had in his hand a petition of a very singular nature. It neither complained of bribery and corruption, nor of an undue election or return. He could not say whether the House would think proper to receive it in the character and description of petitions relating to elections. He would read the petition, and the House would judge whether it should be brought up. Mr. Fox then read a petition from sir Thomas Halifax and Mr. Rogers respecting the Coventry election. It set forth: 1. "That on the 9th of September last, being the day of election, a great number of colliers and other persons, not inhabitants or freemen of the said city, riotously assembled together, with a blue flag and blue and white cockades, the ensigns of Edward Roe Yeo, and John Baker Holroyd, came to the place of election, and violently dragged therefrom many of the voters in the interest of the petitioners there assembled, and took possession of the booth, and all access thereto: assaulted the freemen, tore off their clothes, and stripped them naked to the waist, and beat, bruised, and otherwise ill treated them, to the great danger of their lives; prevented them from polling, and declaring they came there to support the blues. 2. That on account of the said violences, &c. only four persons could poll for the petitioners on that day, and the poll was adjourned to the 11th. 3. That the petitioners called on the sheriffs to protect the persons of the said voters, and preserve the freedom of election; the sheriffs did appoint one end of the booth for the voters of the petitioners

to poll at, and the other for Yeo and Holroyd. Many constables sworn to keep the peace: posts and rails erected for separating the voters on each side and protecting them to poll. But the said rioters again assembled on Monday morning, cut and broke down the said posts and rails, and carried them away; and during the poll obstructed the petitioners' voters from polling, and committed the like violences as on the 9th, so that only 21 voters could poll. 4. Said poll being adjourned till the next day, on the morning of the same several hundred voters for the petitioners being peaceably assembled at that end of the booth appointed by the sheriffs for them to be polled at, leaving open the other end, a great mob of colliers and other rioters, with many hundreds of their voters, came up to that part of the booth where the petitioners' voters were standing, and then and there dragged by the hair of the head, stripped, beat, and cruelly tore and bruised many of the petitioners' voters, and drove the rest from the said poll; would not permit them to give their votes, so that three only polled that day. 5. Said rioters being determined that the petitioners' voters should not come up to the poll, they assembled in the night time continually afterwards, and took possession of the booth, and kept the same until the time of polling the next day. Obstructed all the avenues to the place of polling, violently drove back the sheriffs, magistrates, and peace officers, whenever they attempted to open access for said voters; took the staves from the constables and broke them; same violences continued from day to day till the 18th inclusive. 6. Previous to the day of election, and during the poll, the petitioners and the other candidates were called upon to poll by tallies, to prevent riot and confusion at the election. Agreed to by the petitioners, but refused by Yeo and Holroyd. Petitioners allowed to keep their majority of 27, and to poll at different ends of the booth, to be protected by peace officers, was accepted by Halifax and Rogers, and refused by Yeo and Holroyd. 7. Said colliers were hired or employed by Yeo and Holroyd, and their agents, and paid, entertained, and provided with lodging, meat, and drink, by them, and they abetted the riots and obstructions. 8. On account of the said riots and violences offered the persons of the sheriffs, magistrates, and peace officers, on the 18th of September, the poll was necessarily dis-

continued. — That your petitioners are ready with their witnesses to prove the truth of the several allegations herein made. Wherefore your petitioners most humbly pray, that this honourable House will hear them by their counsel, and take the premises into consideration, and grant such relief therein as the nature of the case requires."

Mr. *Fox* said, he would not take upon him to affirm that the charge contained in this petition was well founded; whether it was or no, would appear from the evidence to be brought to the bar: but he maintained that it was a heavy charge, and a specific charge: and if proved, the gentlemen against whom it was brought were deserving of very severe punishment. The crime with which they were charged was of a heinous nature: a violation of the freedom of election, which tended to undermine the liberty of the country, by sapping the foundation of the freedom of the constitution. He therefore moved: 1. That this petition be taken into consideration on Thursday next. 2. That sir T. Halifax and Mr. Rogers, the petitioners, be allowed by themselves or their counsel, to bring evidence to the bar of the House in support of the charge contained in the petition: which were agreed to. 3. That Mr. Edward Roe Yeo and col. J. Holroyd be desired to attend the House on Thursday next.

Mr. *Rigby* opposed this last resolution, as unjust and unprecedented. The gentlemen pointed at in the petition must be accounted innocent until they should be proved guilty. A mere allegation was not sufficient to authorise the House to bring col. Holroyd and Mr. Yeo to the bar in the character of delinquents; he would therefore give the motion his negative.

General *Smith* said, that the resolution was not unprecedented. He himself had been brought to the bar of the House in the humiliating character of a delinquent before any evidence was called for against him, and merely upon a suspicion that he had secreted certain witnesses whom he named: a circumstance in his life which had made a deep impression on his mind, and which he could never efface. At the same time candour obliged him to declare, that he did not bring that fact as a precedent for summoning the attendance of Mr. Yeo and Mr. Holroyd. He thought he had been treated unjustly, and he could not in justice to himself pass by this op-

portunity of animadverting on a proceeding by which he considered himself greatly injured.

Mr. *Fox* did not conceive that he did any thing unkind or unjust to col. Holroyd and Mr. Yeo, when he desired their attendance. He was of opinion, on the contrary, that the gentlemen themselves would be anxious for an opportunity of making known their innocence. A new writ for Coventry would be moved for to-morrow; and in the mean time a very great number of voters, friends to the petitioners, would be absent from the election, while col. Holroyd and Mr. Yeo would, by this partial conduct, have an unfair advantage over their competitors. This would be the most paltry manœuvre to which a ministerial majority, amongst all their condescensions, had ever descended. He thought that this cause should be decided before any election at Coventry should take place. It was, indeed, Mr. Holroyd's and Mr. Yeo's interest that a new election should take place as soon as possible, both because the practices of which, as was alleged, they had been guilty, must give an unfavourable impression of them, which might have an unhappy influence on their election; and because, if the election should be over before the inquiry into the things charged against the accused party, the petitioners would not have the same motives that they have now for making good their charge, and might therefore very naturally be supposed to relax in their zeal of prosecuting this appeal. Mr. Grenville's Bill, as it was called, had, indeed, been productive of much good; it, however, was the source of some inconveniencies; and among these he reckoned the possibility of influencing, by such a manœuvre as that he had mentioned, an election. He hoped that ministry would not be so uncandid as to take advantage of an inconveniency attending that excellent Bill, and of establishing a precedent which was in itself unjust, though it could never militate against themselves. He also adverted to the forwardness of ministry in endeavouring to bring on an election at Coventry.

Lord *Beauchamp* said, the law required, that within a certain time writs should be issued for elections, and that time would expire to-morrow. No hurry had been shewn in appointing a time for examining the sheriffs of Coventry. If those officers had done as they ought to have

done; if they had made a return of two members, according to the numbers that were actually polled, however few, the circumstances that rendered the election undue and of no avail might have come before the House in the way of petition as usual, and much trouble have been thereby prevented. An hon. friend of his had said, that there would be partiality in bringing on the election of Coventry at a time when the petitioners with their witnesses, who were their friends in the election, should be attending the bar of that House. But would there not be as great partiality in ordering the two other gentlemen to be absent from the place of election, as it would be to call to the bar voters on the other side? The petitioners might appear by counsel; but it was proposed that Mr. Holroyd and Mr. Yeo should attend the House in person. His lordship farther contended, that the vote of the House, when printed, was a sufficient and the proper intimation to the last-mentioned gentlemen to attend, if they thought their interest required their attendance, and that any order to attend was equally improper, unjust, and unprecedented.

Mr. Fox withdrew his third resolution.

[*Stafford Election Petition.*] A petition having been presented to the House, complaining of an undue election, and containing a charge of bribery and corruption against the sitting members for Stafford,

Mr. *Richard Brinsley Sheridan* rose and complained, that it was in the power of any petitioner to bring a charge of crimes and misdemeanors against any member of that House with impunity. Where it is alledged that an election is undue on account of informality or upon certain points of law or custom, the character and feelings of the member against whom such a petition is brought receive no hurt; but the case is otherwise where an accusation is brought of bribery and corruption—crimes so weighty in the eye of the laws and constitution of this country! He therefore expressed a wish that some gentlemen, of greater experience in parliament and consequence than himself, would devise some mode of preventing frivolous and malicious petitions, and of punishing their authors suitably to the nature of their offences. It was very hard that a gentleman should lie under the imputation of crimes of which he was innocent for a whole year, perhaps for a longer pe-

riod. He observed also, that under such circumstances every member who had been fairly and independently elected, must feel equally for the credit of his constituents, from whom he derived his trust, and whose character, as well as interest, it was his duty to defend; that it certainly was a most serious hardship, that upon the accusation of a few of the lowest and most unprincipled voters in any borough, a numerous and respectable body should remain traduced and stigmatized in the eyes of that House for the space of a year in a petition which should at last be proved a gross and groundless libel. He therefore hoped that some gentlemen of more experience than himself would turn their thoughts towards providing some just and adequate remedy for this evil, and some exemplary penalties, whenever charges of so gross a nature were preferred on frivolous grounds, and with unfair purposes. He was heard with particular attention, the House being uncommonly still while he was speaking.

Mr. *Rigby* began with seriously acknowledging the force of the hon. gentleman's argument. He said it was true it was a hardship; he owned, that the hon. gentleman had spoken feelingly upon the subject, and he doubted not, with reason. He then sarcastically observed, he had not recollected at first, that the hon. gentleman was one of the members petitioned against, and that the petition charged him with bribery. Hard as the case was, and deeply as the hon. gentleman felt for himself and his constituents, the virtuous electors of Stafford,—he could only pity both the one and the other. Poor Stafford must remain condemned, and suffering under the odium of being bribed, till the petition could be heard! He did not doubt but the hon. gentleman had been ill-used. The hon. gentleman, he supposed, had a natural connection with the borough for which he had taken his seat! He had lived many years, and was perfectly acquainted with his constituents! The case was certainly a hard one, but time only could cure the evil! It lay not, as the hon. gentleman well knew, in the breast of the committees; they could only report upon the facts which came out before them, and on their report, it was the business of the House to proceed.

Mr. Fox supported Mr. Sheridan, and at length the Speaker reminded the House that there was no question before them.

Debate on a Vote of Thanks to the late Speaker, Sir Fletcher Norton.] Mr. Thomas Townshend rose to call the attention of the House to a motion which he had given notice of a few days before, namely, that the thanks of that House should be given to their late Speaker. It was not his intention to enter into a long argument to shew the strong reasons upon which he grounded his motion; that task, he flattered himself, was altogether unnecessary; for if the House could possibly have forgotten the merits of the hon. gentleman who had for the two last parliaments filled the chair with so much dignity, the eulogies pronounced upon them, on the first day of the session, by the noble lord and the right hon. gentleman who moved and seconded the proposition, that the present Speaker should take the chair, had, he doubted not, sufficiently refreshed gentlemen's memories, and brought back to their recollection the impression which sir Fletcher's conduct had made, not only on the House in general, but on the minds of some of its oldest and most experienced members. Although he did not think it incumbent on him to state why he made the motion, he felt it proper to say a word or two, as to the reasons on which he did not ground it. The first of these had relation to a particular passage of a particular speech made by the late Speaker at the bar of the House of Lords when his Majesty was about to give his royal assent to a Bill for the increase of the civil establishment. He begged leave to say, in express terms, that he did not move the thanks of the House to sir Fletcher Norton on account of that speech, and he thought it right to say so; at the same time he must declare, that he was far from disapproving of that speech; he thought it a wise one, he thought it a well-timed address, he considered it as an incontrovertible proof of the late Speaker's zeal and regard for the dignity of the Commons of England, and of his judgment and spirit in selecting a fit opportunity for supporting that dignity. The House of Commons had themselves adopted this opinion; they had thanked sir Fletcher for this speech, and by that means sealed their approbation of his conduct. It was for this reason, because the House had already thanked the late Speaker for that particular part of his conduct, that he did not now make it one of the grounds of his intended motion, and it was for this reason only. There were other parts of sir Fletcher's con-

duct, while he filled the chair, which peculiarly entitled him to the highest honour a British subject could receive, the thanks of the House of Commons; and those were, his great attention to the business of the House, both public and private, his civility and readiness to oblige every gentleman concerned in the latter, and the strict and unimpeachable impartiality with which he filled the chair during the period of much controversy and altercation. Above all, the House were obliged to the late Speaker for the great assistance he had given to the forwarding and carrying into effect, a Bill, which the majority of the House had always highly applauded, and which never had many, now he believed but very few, enemies; though among them there were men extremely able, extremely wise, and who doubtless founded their objections to the Bill on laudable and liberal principles. That Bill, however, of which the greatest part of the House had always entertained the most partial sentiments, and of which the salutary effects were now sufficiently proved, though certainly Mr. Grenville was entitled to the first and largest share of praise for framing it, was indebted for its efficacy in a great degree to sir Fletcher Norton. Of what essential importance that Bill was, all who had sat in the last parliament were well acquainted; and the young members might learn from the altercation that had passed that day on election matters, how useful and how conducive to the preservation of the freedom of election the Bill was. From the spirit of party that had shewn itself in the conversation, which had taken place relative to the Coventry election, was there a gentleman present who did not believe, that were it not for Mr. Grenville's Bill, and had the old method of trying election petitions by the House at large, continued in practice, but that a majority would have immediately declared Mr. Yeo and Mr. Holroyd duly returned? That reflection would convince gentlemen of the merits of the Bill to which he was alluding.

With regard to the motion he should offer, he saw but one objection which appeared to him of the least weight, and that a precedent upon the Journals did away. It might be objected, that being a new parliament, the House could not take cognizance of the conduct of a Speaker of preceding parliaments, or vote him thanks for that conduct. Sir Fletcher Norton had been Speaker nearly eleven years; his services, therefore, were not mere ser-

vices of yesterday; and though most certainly when a new parliament was summoned, it was not to be supposed that the Speaker of the old parliament continued in his office as a matter of course: his merits, nevertheless, when acknowledged, were not to be passed over in silence. The vote of thanks to Mr. Onslow, was a vote for thirty-three years service, a vote agreed to by many gentlemen who were not born at the commencement of the period during which Mr. Onslow had been chosen Speaker. He, for one, sat in parliament when that vote was moved, and he agreed to it, though he was among those who had not been born when Mr. Onslow was first introduced into the chair. The precedent, therefore, clearly shewed that it was not uncustomary for one parliament to look back, and vote thanks to a Speaker for conduct which he had pursued before that parliament had existence.

As to the wording of the present motion, he was free to own that he had laboured under much difficulty. Perfectly aware that unanimity was the matter most to be desired, he had not easily hit upon words which would serve to dress it up, so as to render it perfectly acceptable to every palate; he might, indeed, have saved himself much trouble by adopting the language of the noble lord and the right hon. gentleman, who moved and seconded the motion on the first day of the session; no words could more exactly hit his sentiments of the late Speaker's merit, than the words which the noble lord and the right hon. gentleman had used on that occasion; and when the House recollected, that they had held out to the present Speaker the conduct of his predecessor as the best model he could follow, and the fittest object of his imitation, if he was desirous of gaining a high character by his conduct in the chair, they would doubtless join with him in feeling the truth of this remark. It might, however, be thought unhandsome in him to take words out of other gentlemen's mouths. He might be charged with having acted in the character of a plagiarist, a character which he had not the smallest inclination to challenge.

After puzzling himself for some time, he said, he had recourse to precedent, and there his difficulty was rather increased than diminished. Highly as he thought of sir Fletcher's merits, highly as he flattered himself the conduct of the present Speaker would entitle him to think of his merits hereafter, he could not offer to the

late, or the present, so insidious and so insincere a compliment, as to place either of them on the same level with Mr. Onslow. Mr. Onslow was a very singular and a very extraordinary character, a character which it fell to the lot of few men to resemble perfectly. He could not therefore, thinking as he did upon this head, bring his mind to the idea that it was right, or that sir Fletcher would think himself obliged to him, if he went so far as to copy exactly the motion of thanks which stood upon the Journals, as having been voted to Mr. Onslow. The motion he at first drew up, was pretty nearly to this purpose: "That the thanks of this House be given to the right hon. sir Fletcher Norton, late Speaker of this House, for the great dignity, ability, and impartiality, with which he filled the chair, during the two last parliaments." This, he thought, would prove generally acceptable; but on shewing it to certain persons, it was not approved; he drew up another, and others disliked that. His wish was not barely to thank sir Fletcher in cold language, and without the appearance of cordiality, but to let the motion convey tokens of warmth, of affection, of sincerity. Experience, however, taught him, that no such motion would pass unobjected to in that House. In order, therefore, to meet unanimity, he had at length been obliged to have recourse to a motion couched in the most naked terms, and which was so far from being likely to challenge objection, that he feared it would not be thought any compliment at all. He added, that the motion fell so far short of his wishes and his feelings, that he thought it necessary, in his own defence, to say thus much of it, lest gentlemen should imagine that he approved of it, and considered it as sufficient to the purpose. He then concluded with moving, "That the thanks of this House be given to the right hon. sir Fletcher Norton, the late Speaker of this House, for his conduct during the time he filled the chair of the House in the two last parliaments."

Sir William Gordon said, he never rose in that House but with the utmost embarrassment, and at that moment felt himself under more than usual difficulty. If he ventured to oppose the present motion, it might be imputed to ill-nature, to personal animosity, or to malice, passions which he trusted had as small a share in his mind, as in that of any gentleman living. Lay-

ing them now totally aside, he must oppose the motion, and that for this reason; in order to be consistent with himself. He had been one of that majority who, on the first day of the session, voted that the present Speaker should take the chair; he could not therefore, without glaring inconsistency, now vote thanks to sir Fletcher; and he was not a little astonished that any such motion should be made. He had taken the trouble to search the Journals, upon which not a single precedent appeared; that of the thanks of the House having been voted to Mr. Onslow, was exceedingly dissimilar; why, then, the House should now, without any specific reason assigned, make a new and an extraordinary precedent, he was at a loss to guess. The thanks of that House he had ever considered as the highest honour a subject could bestow; it behoved the House, therefore, to vote their thanks on none but real and singularly meritorious occasions. The value of the vote of thanks would decrease, and the honour would no longer continue estimable, if the vote was lightly resolved on. Sir William added, that if the moving the thanks of the House became frequent, he could not help thinking what he remembered to have had said to him by a foreigner, respecting the Croix de St. Louis, would be perfectly applicable to such a vote: "It is dishonourable not to get it, not very honourable when obtained."

Colonel *Onslow* said, he scarcely knew in what words sufficiently to thank the hon. gentleman who made the motion, for the very handsome manner in which he had been pleased to mention a near relation of his, who had formerly filled the chair so much to his own credit, and to the satisfaction of those who were in his day members of that House. If that good man could look down from heaven and observe what had passed, he was sure he would be greatly pleased; and if any thing could enhance his satisfaction, it would be to hear that his eulogium had come from the mouth of a Townshend. Having said this, the colonel declared he must nevertheless give his opinion against the motion. Mr. *Onslow*, while Speaker, it was true, had frequently, when he went up with public money-bills, expressed, in strong constitutional terms, an earnest wish that the money might be applied to the services for which it had been granted, that it might be economically expended, and that care might be taken neither to waste it in pro-

digality, nor to use it in such a manner as was not likely to promote either the honour or the prosperity of the kingdom. But would any gentleman think that Mr. *Onslow* would, without the least previous authority from the House, when he went up with a Bill for the increase of the Civil List, say to the King, "Sir, take care how you spend your own money, lay it out in such or such a manner!" Was that a sort of language that gentlemen imagined Mr. *Onslow* would have held? Mr. *Onslow* would not have addressed the throne in that style. Mr. *Onslow* would have thought it an insult to the throne, and an insult to the Commons of Great Britain. Mr. *Onslow* would have considered it as questioning the liberality of the House of Commons, as disgracefully reflecting on their generosity. The Commons of England, the colonel said, was a great gentleman. The whole conduct of the Commons of England ought to be manly, noble, and generous. Every one of their acts should be upon a large scale, and their language should never savour of meanness nor distrust. The precedent of the thanks of the House having been voted to Mr. *Onslow*, was by no means in point. By that precedent, who did it appear had voted the thanks of the House to Mr. *Onslow*?—a living parliament. Was that the case now? The direct contrary. Mr. *Onslow* had been thanked by the House, and his Majesty had been addressed to make some provision for his family. Sir Fletcher had taken care of the latter before he took the chair. As to the motion, he for one should neither vote for it, nor against it; he did not think it became him to vote against his colleague, whatever his opinion might be of his conduct; nor was he inclined to do any thing disagreeable to any part of his constituents, let that part be ever so small.

Mr. *Roberts* began with soliciting the goodness of the House, to excuse the rough manner in which a member so inexperienced as he was might possibly express himself. He said, he had voted for the displacing sir Fletcher on the first day of the session, and that he conceived the majority of that day could not with the least consistency vote for the present motion. He, therefore, as one of that majority, rose to say, that he should vote against the question. It was not possible for him, as a young member, to know what had been the merits of sir Fletcher, while he sat in the chair. Having seen no

Speaker there but the present, how could he agree to thank the late Speaker for his conduct? On the first day of the session, a right hon. gentleman had declared in strong and clear language that sir Fletcher had made a speech to the throne, which was both ill-timed and improper. Not having heard any good arguments urged in contradiction of that assertion, he had given it credit, and for that reason had voted against sir Fletcher's taking the chair again. The decision of that day convinced him, that he had adopted the right opinion, and as sir Fletcher was then ousted, he was a little surprized to hear any gentleman rise and move, that the thanks of the House should be voted to him. He could not reconcile the vote of the first day, with the proposition now moved, and therefore should vote against the latter.

Lord *Duncannon* declared, that although he had not sat in the last parliament, he had heard of the speech, to which allusion had been made by the right hon. gentleman who made the motion, and by the two last speakers. That speech had met with his full approbation; he thought it did great credit to the late Speaker, whose conduct on that and other occasions merited the warmest thanks of the House; he therefore should vote for the motion.

Sir *Francis Basset* said, it was impossible for him, as a young member, to be competent to decide on the propriety of the present motion; he could not, therefore, make himself responsible for it, by voting in its support. If sir Fletcher merited the thanks of that House, he should have imagined the last parliament, who had witnessed his conduct, would have voted them. The last parliament had not done this, and from the vote of the first day, he could not suspect that the present parliament had any inclination to adopt such a proposition. He had voted with the majority on the first day of the session, because he was inclined to think it was a wise measure to choose a new Speaker. Not having sat in the former parliament, it was impossible for him to form an opinion, from his own knowledge of the late Speaker's conduct. He understood that 170 members were in the same predicament with himself; and therefore he thought it would neither be warrantable for them nor him to vote for the motion.

Mr. *Steele* said, the obvious reason why the last parliament had not come to a vote like that now proposed, was, on account

of the sudden dissolution of that parliament. Although he had not been in the last parliament, he had heard of the conduct of the late Speaker, and it had met with his hearty approbation. The celebrated speech made by sir Fletcher, had been printed by order of the House, and was matter of public notoriety. That speech he approved, and he believed every man, who had the dignity of the Commons of England at heart, approved of it likewise. He should vote for the question.

General *Smith* supported the motion, and entered into a defence of the speech made by the late Speaker at the bar of the House of Lords, arguing upon the strict propriety of his admonishing his Majesty to dispose of the large sum the Commons had voted for the support of his civil list. The general also, as a just tribute of praise to sir Fletcher, stated to the House the great civility he had, on a former occasion, experienced at his hands, in the course of a transaction which had given them no small trouble.

Mr. *Courtenay* opposed the motion, and said, he must first take notice of the little share of argument produced in its support, which could, or ought to weigh with him and the other young members. The right hon. mover had drawn up the motion in general terms; he had, nevertheless, expressly declared, that he did not rest it on the speech at the bar of another House, which had so frequently been adverted to. He, for one, was very far from approving of that speech; how, then, was he to reconcile himself to a motion of a general tendency, which of course comprehended that part of the late Speaker's conduct, as well as every other? There was no exception in the words of the motion though the right hon. mover had taken such pains to except to it in his introductory argument. In his opinion there was in sir Fletcher's speech to the throne, something altogether unwarrantable. He knew not where to look for an example, unless he referred to city politics. In the records of London, it was to be found that a lord mayor, taking advantage of his official capacity, which brought him into the presence of his sovereign, had dared, with all the insolent gravity of magistracy, to address his sovereign with an extempore speech. The House well knew how that speech had been received in the city, and how the author of it had been thanked. A statue had been put up in Guildhall to his memory, with his figure standing in a posi-

tion of oratory, and this speech in his hand.

"This live-long speech e'en Balaam's ass might own,

"Fit for eternal record, cut in city stone."

Was that House prepared to follow the example? Would they, the representatives of the British nation, go look for precedents on the other side Temple-bar? Would they build up the fame of a displaced Speaker, because, like a city mayor, he had insulted his sovereign—?

Mr. *Townshend* called the hon. gentleman to order. He said, as a young member, he was excusable, because it was not to be supposed, that he was acquainted with the rules of the House; but that he could not sit silent and hear the King's name used to influence debate within those walls. This error had been fallen into on the first day of the session, and he lamented that he had not then risen to call the right hon. gentleman who was disorderly to order.

The *Speaker* told the hon. gentleman who had used the name of the sovereign, that it was the first, the most important, and most sacred of all the orders of that House, never to use the name of the King in the course of argument, with a view to influence the freedom of debate, and begged him in future to attend punctiliously to this order.

Mr. *Courtenay* apologized for mentioning the sovereign; and then called upon all who were, like himself, young members, to recollect what had passed on the first day of the session, when the scene was the most striking that perhaps ever was exhibited within those walls, and when the principal actor in that scene, the late Speaker, had given an example of heroic fortitude, equal to any that had ever been displayed by a Roman matron. He wished for the pencil of a West, or a Copley, to do it full justice. Being but a bad painter, he must have recourse to poetry, and recal the idea of that scene to the mind of the House, by stating, that it struck him as a strong resemblance of the scene which passed between Paulo Purganti and his wife. The late Speaker on the first day sat and heard the noble lord, who had moved the question of that day, and the right hon. seconder, anxious for his health, expressive of their care for his constitution, and thence desirous of removing the burden of business off his shoulders. The House heard the right hon. gentleman, the late Speaker, con-

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fess, that his constitution was impaired, that his faculties were injured, that he was much the worse for having sat so long in that chair, and yet afterwards when the right hon. gentleman's friends had expressed a desire of that gentleman's return to the chair, the right hon. gentleman had stood up, and like a Roman matron, despising the thorns with which the seat was filled, despising all fear of restless days, sleepless nights, and dull debates, declared himself again willing to undergo the punishment of sitting there. Thus the doctor in the tale, like the noble lord, was laborious in recommending patience to his wife, in giving her recipes for her health, but she, with Roman firmness, in spite of all advice, still urged her wishes and her resolution, till at length the doctor cried,

"I'll do it—but I give you warning:

"You'll die before to-morrow morning—

And then, like the right hon. gentleman on the first day of the session, Paulo Purganti's wife, in defiance of the threatened danger, replied,

"Let wanton wives by death be scar'd:

"But, to my comfort, I'm prepar'd."

Having raised a laugh by this allusion, he observed that what the right hon. gentleman had said respecting Mr. Grenville's Bill, and the conversation that had been held that day with regard to the Coventry election, was but an ill compliment to the House; for it was pretty plainly telling them, that were they not restrained by a positive act of parliament, they would have proceeded immediately to have declared Mr. Yeo and Mr. Holroyd duly elected. After urging this, he called upon the young members to recollect, that all who had voted with the majority on the first day of the session were bound in honour to vote against the present question.

Lord *Mahon* defended the motion, and said he did not, like other young members, approve of sir Fletcher's conduct upon hearsay; he drew his approbation of it from the records of the House, and from what appeared upon the Journals: that the Votes and Journals conveyed to those out of parliament, authentic proof of what passed within those walls; that therefore it was neither presumptuous nor unfair for him or others, who had not been in the last parliament, to form an opinion on the conduct of the late Speaker. He reprobated, in the strongest language,

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what had fallen from col. Onslow respecting the King's civil list, and said he never would sit silent in that House when he heard any hon. gentleman compare the grants of parliament to the crown, for any purpose whatever, with the private fortune of a private gentleman. He contended, that the House had itself come to a decided opinion upon the subject, and that a formal resolution stood upon the Journals, by which it was expressly declared, that the House had at all times an indisputable right to controul the expenditure of the King's civil list, as freely and as fully as the House had a right to controul any other part of the expenditure of the public revenue. This right, he asserted, was inherent in the constitution of parliament; it was essential to the rights and privileges of that House, and to the freedom of the people at large. He reprobated the idea of calling the House of Commons a great gentleman; no comparison of that kind, he said, would hold, and such comparisons ought never to pass unnoticed.

Sir *George Savile* complimented lord Mahon on the sentiments he had just expressed, and humorously declaring he rose as a young member, said, he could not but take notice of what his right hon. friend, who made the motion, had alleged, of his having shewn it in one form to one person, in another form to another, and in a third form to a third person; but that this, that, and the other mode of dressing it up would not do. He declared this description of dressing it up one way, and dressing it up another, made him for a moment look upon his right hon. friend as either a mantua-maker, a taylor, or a botcher, who having found it so extremely difficult to dress his child to the taste of some macaronies, fops, or capricios, had at last brought the babe before the House quite naked. The motion, he declared, struck him to be the most naked of the kind that ever was exhibited; he begged, therefore, to know, and he called upon his right hon. friend to say, who it was that this would not please, that would not please, nor the other would not please?

Mr. *Townshend*, laughing, said, he did not expect to have been called upon for such an explanation by his hon. friend, but that he was not ashamed to acknowledge the fact; that wishing the thanks of the House should be voted unanimously to the late Speaker, he had endeavoured

to make it palatable to the Treasury bench, being too old a member not to know the weight of that bench in that House; that it was to satisfy them, and make the motion acceptable to their taste, that he had dressed and redressed it as he had described. Having stated this, he took notice of the objections made to it, and said, he was perfectly content if the motion was to be lost, that the loss of it should go out to the world on these two points: the one, that the speech of sir Fletcher Norton at the bar of the House of Lords, during the existence of the last parliament, was deemed an unpardonable offence by ministers; the other, that as a punishment for sir Fletcher's conduct, ministers were determined to oust him, and had ousted him accordingly on the first day of the session of the present parliament.

Mr. *Rigby* said, that he made no scruple to declare, that he disliked the services of sir Fletcher Norton. Sir Fletcher, he thought, had acted wisely and well during the former part of the time in which he had filled the chair of the House; perhaps a day would come when sir Fletcher would repent his not having uniformly pursued that conduct. He contended that the motion was without an example. Mr. Onslow had been thanked by a living parliament as a prelude to another motion, for an address to his Majesty to reward him. Was that meant to be the example to be copied? If it were not, the present motion was nonsense.

Mr. *Fox* replied to Mr. Rigby and Mr. Courtenay, asking if those gentlemen meant to state it, the one as an historical fact, that sir Fletcher had flown in the King's face; the other, as a recital of a well-known transaction, that he had insulted the King? He ridiculed, in poignant terms, Mr. Rigby's expression of a doubt, whether a day might not arrive when sir Fletcher would repent of having changed his conduct, and taken a decisive part in support of the people against the influence of the crown. Mr. Fox also seconded lord Mahon's idea of the civil list of the King being as much subject to the controul of parliament as any other part of the public revenue. He said, the public had a right to have the justice of the country supported out of the civil list; to have the great offices of state provided for from that branch of the royal revenue; and to look for a proper and a becoming establishment for the prince of Wales. He paid the prince's understanding the

highest compliments, and, as it were, pinned the noble lord in the blue ribbon down to his promise of last year, that the household of the prince should be provided for without any farther call upon the public. Mr. Fox was profuse in ironical compliments to lord North, and pressed the noble lord not to trust himself alone with opposition upon the present question, but as he had a right to be suspicious of their having some design or other to attempt to change his principles and take away his senses, (which the weakness left upon his mind as well as body, by his late illness, might possibly enable them to do) to bring a good company of his old friends and acquaintance with him into the lobby.

The Earl of *Surrey* said, he must vote for the motion, which was no more than justice to the man who had worn out his constitution in the service of his country. His lordship wondered, he said, that justice had not been insisted upon by the speakers in favour of the motion.

The House divided:

Tellers.

YEAS	{ Mr. T. Townshend -	} 136
	{ Lord Mahon - - -	
NOES	{ The Earl of Lisburne -	} 96
	{ Sir William Gordon -	

So it was resolved in the affirmative.

Coventry Election.] Nov. 21. Lord *Beauchamp* rose to make a motion of which he had given notice yesterday, "That the Speaker do issue his warrant to the clerk of the crown, to make out a new writ for the election of two citizens to serve in this present parliament for the city of Coventry:" a motion which he should have made in the usual course of business without saying any thing in support of it, if he had not been led to expect that it would receive much opposition. There was not any complaint brought against the burgesses of Coventry; they were innocent; why, then, should they be punished by a temporary disfranchisement? It had been said, that the burgesses of Hindon had been disfranchised for a time. True, but they deserved that punishment. It was the great object of Mr. Grenville's Bill to reduce trials of contested elections to fixed and regular laws, that nothing might depend on faction, and for that end, that as little as possible might rest in the discretion of the House. But if we should now refuse to send a writ for the election of members

for Coventry; if we should violate the law in one instance, we might soon do it in another, and that Bill, with all its good effects, would fall to the ground. That very discretionary power of issuing or not issuing writs of election, for which an hon. gentleman had contended last night, was in the reign of king James, in times of less liberty than the present, looked upon with jealousy, and exclaimed against as an infringement of freedom. Sir Francis Goodwin had refused to submit to that discretionary power which was then usurped by the crown; and was the usurpation on the liberties of the people less, though it was made by a number of men instead of one? And if the people have a right to be represented, they had a right to be represented always, and all delays of giving them an opportunity of chusing their representatives was injustice. The following was a maxim in Magna Charta, 'nulli negabitur justitia, nulli differetur.' Why should the House depart from a fixed order? What had happened? Riots and tumults. Riots and tumults happened in an election at Brentford. The officers, whose duty it was to keep order, represented to the House, that they were not able to keep peace, and they asked the advice and assistance of the House. The House advised them to get a sufficient number of constables, and to preserve the peace by all possible means. This was a case exactly in point. It was said, that the election could not go on at Coventry without the aid of the House; but what aid could the House give to the officers who were to preside at the ensuing election at Coventry that they were not already in possession of? Besides, the officers to preside at the future were not the same who presided at the last election. His lordship considered the petition from sir T. Halifax and Mr. Rogers as mere allegations, until the facts they alleged should be proved. He adverted to the inconveniences that would flow from giving credit to mere affirmation of this kind. He was yet at liberty to consider the petition in the light of the effects of the smart of disappointment. The delay proposed was an injury to the inhabitants of that great trading city, the inhabitants of which would be in a ferment until the election should be over; and the loss arising from their dissipation and idleness was a loss to the public. His lordship concluded with making his motion.

Mr. Fox gave the noble lord credit for

the ingenuity and industry with which he had supported so bad a cause. These qualities evidently exerted, betrayed however the weakness of the cause that needed their aid. The noble lord, practising an useful art, endeavoured to drown an unpopular and unjust proposition, by shading and confounding it with ideas just and popular. He talked of Magna Charta, of jealousy, of discretionary power, of the resistance made to discretionary power in former reigns. Good God, Sir, who would imagine that the noble lord was defending an intention to issue out a writ for the immediate election of members for Coventry? Who would not imagine, that he was supporting a motion to defer that election until it could be made with freedom? The freedom of election, the independency and privileges of the House of Commons could not be any where lodged so safely as in their own hands, in their own discretion. Are the facts alleged by the petitioners mere allegations? Is the noble lord willing to bring that matter to a trial? Mr. Fox made a distinction between mere report, vague rumour and random affirmations, and allegations contained in a petition to the House. The petition from Coventry was before the House, and the House must decide upon it. The question then was, whether they ought not to decide upon it, before issuing out a writ for a new election? Oh! but said the noble lord, a delay would be injustice to the electors of Coventry, who ought not to be unrepresented, no, not for a week. But it was better to be unrepresented for a fortnight than to be unrepresented for a whole parliament; for at present, a free election at Coventry could not take place. The merits of the petition might soon be determined, and it would be unjust to issue out the writ before that should be done. He contended farther, that should a new election be ordered, in the present circumstances, for Coventry, that would be an encouragement of riots and tumults; for then it would be said, let us try the effects of violence; if it succeeds, it is well; if not, we have an equal chance with our competitors afterwards.

Mr. Macdonald said, that for the last reason which the hon. gentleman had adduced for his being against the motion, he would be for it. Without mentioning names or conjectures, he thought it very probable that some one of the parties in Coventry wished for a delay, and their wishes would be gratified, by refusing at

the present time to issue out the writ now moved for. The rioters, or sham rioters, might have been employed on purpose to occasion a delay, and he would not forward the intentions of their abettors. If to find out the causes of the riots and their aiders and abettors, were so easy a matter, if the cause could be so easily decided as the hon. gentleman imagined, then it was a bad argument in his mouth, that the attendance of the petitioners and their witnesses at the bar of the House would materially injure their election. For a few witnesses only, it should seem, would be necessary; but for his part he thought the trial might not be over during this session.

The House divided:

Tellers.

YEAS	{	The Earl of Lisburne	-	}	114
		Sir Grey Cooper	-		
NOES	{	General Burgoyne	-	}	54
		Mr. Sheridan	-		

So it was resolved in the affirmative.

Debate in the Commons on the Vote of Thanks to General Clinton, Earl Cornwallis, &c.] Nov. 27. Mr. Coke rose to make the motion of which he had given notice, for the thanks of the House to earl Cornwallis, for the important services he had done to his country. At the time he had given that notice he did not recollect the propriety of giving thanks at the same time to general sir Henry Clinton, for the signal services performed by him. He now wished to comprehend him in the vote of thanks which he was about to move. The first thing he had done, after he received the command of the army, was to march the troops from Philadelphia to New-York; a retreat which was universally allowed to be the finest thing performed, during the present war, and if there had been any precedent for thanking a general for even an able retreat, sir Henry was, doubtless, entitled, and certainly would have received, the thanks of the House upon that occasion. There were particular circumstances, which made it ineligible to offer the thanks of the House to sir Henry on the reduction of Charles-town. Those circumstances no longer existed. Gentlemen on every side of the House bore testimony to the excellent conduct and gallant bravery of lord Cornwallis; nor would it be denied, he presumed, that the same qualities were possessed in an eminent degree

by sir Henry Clinton. It would have a bad effect to vote the thanks of the House to one of those gentlemen, and not the other. The thanks of the House were deserved by both; but while gentlemen allowed the great qualities and virtues of those officers, some disapproved the cause in which they were exerted. An hon. gentleman, whom he did not see in his place, had avowed mixed sentiments of this kind; but that hon. gentleman, of approved courage himself, knew how to value that noble virtue in others, and he still hoped that he would not, if present, oppose his motion. For his own part, he had been one of those who lamented the commencement of the American war, and disapproved many of the measures adopted in its prosecution. But the origin of the war he kept entirely out of view in the present question. America was now the ally of France; the confederate of the House of Bourbon. He did not say that the war against America was not big with many calamities to Great Britain; he apprehended that it would even be the ruin of this country; that is, that it would impoverish this country extremely: but still he saw no medium between unconditional submission to the enemy, and the most spirited exertions.—If the motion he was now to make should be the object of debate and altercation, he did not much care whether it should be carried or not. He then moved, “That the thanks of this House be given to sir Henry Clinton, knight of the Bath, and commander in chief of his Majesty’s forces in North America, and to the right hon. lieut. gen. Charles earl Cornwallis, for the eminent and very important services performed by them to his Majesty and this country, particularly by the reduction of Charles Town by the army under the command of sir Henry Clinton, and by the late most glorious victory obtained by lord Cornwallis at Cambrden.”

Lord *Lewisham* embraced with joy an opportunity of expressing his high regard to the characters of the two general officers, whose names had been mentioned. Although we were not yet blessed with that unanimity which was necessary so to swell the sails of the vessel of state, as to waft us safely over that tempestuous ocean of troubles in which we were at present involved, yet he saw with joy the dawns of an unanimity; he saw a species of unanimity, which was no small source of consolation. Every body seemed satisfied

that there was a necessity of humbling the power of France and Spain. Although he was unwilling to place any reliance on the contingencies of fortune, and would not be so confident as to say, that there were in the womb of time events favourable to Great Britain, yet he contended, that it was not being too sanguine to hope, that the jealousies which had already begun to take place between the Americans and their allies on Rhode Island, would every day increase. Though there was not an immediate prospect of detaching any of the powers from the confederacy against us, he did not despair of its being effected in time. In the mean time, it behoved us to act with alacrity and vigour. The marine of France must be destroyed if we hoped for a safe, a lasting, and an honourable peace. No promises, no conventions with that nation could be relied on, while their navy was entire. France had become formidable to her neighbours, through treacherously seizing advantages over the unsuspecting, and therefore unprepared, nations around her. Great Britain had ever proceeded on the broad basis of public faith and national credit, and on that foundation he trusted she would still stand. He said there would be great cruelty and impolicy in abandoning our friends in America to the mercy of their enemies; our friends in that case would become our bitterest enemies, and the Americans united as the subjects of one mighty empire, and pouring forth their ships of war from a thousand ports, would cut up our trade by the roots, and stripping us of all our foreign dependencies, finally reduce us to this spot of the globe, the island within which we were confined by nature, if we dared not with freedom to traverse the ocean. The constitutional dependence of America on Great Britain he thought necessary to the happiness, safety, and prosperity of both countries. He returned to the necessity of ruining the marine of France. If you wish to maintain the glory and independency of England, destroy the marine of France. If you wish to preserve the balance of political power in Europe, destroy the marine of France. If you wish to preserve the liberties and rights of mankind, destroy the marine of France. Let this language be re-echoed from one corner of Great Britain to another, until all hearts and hands should be united against the common enemy. As the Americans were now to be considered as the allies of

France, and the one could not be separated from the other, every victory gained over either of these powers was matter of joy, and an advantage to this country; therefore he seconded the motion now before the House.

Mr. *T. Townshend* expatiated on the merits of earl Cornwallis, of which he was proud to say, he was not indeed an impartial judge. But officers, both French and English, had spoke to him and written to him, with rapture, concerning the singular merit of that noble commander. His good conduct and great bravery, certainly merited every mark of attention and respect. On that footing, he would give the motion his hearty concurrence; provided always, that it should not be understood, that he, by this support, gave any countenance to the American war. The hon. mover had earnestly wished that it might be carried with unanimity. There were a few phrases in it, that might tend, he was apprehensive, to frustrate his wishes. They would occur to the hon. gentleman himself, and his end would be better served, by altering them himself, than that they should be struck out by way of amendment.

Lord *North* applauded the excellent conduct and great bravery both of sir Henry Clinton and lord Cornwallis, whose services, he said, were meritorious in the highest degree, and important to this country. Nevertheless, as he would not on this occasion bring into view either the origin or the object of the American war, he was willing for his part that any words that might seem to have an ambiguous meaning, should be left out of the motion.

Mr. *Wilkes*. I rise to express my hope, that the hon. gentleman, who made this motion, will consent to its being withdrawn, because I think it is impossible that the united efforts of the noble lord in the blue ribbon, and the several gentlemen, who have attempted it, should succeed to render it palatable to both sides of the House, and he has declared, that he had rather it should be withdrawn, than meet a single negative. I think it, Sir, my duty to oppose this motion, as originally intended, of which the notice was given, respecting only lord Cornwallis, and all the subsequent amendments, because in my idea every part of it conveys an approbation of the American war; a war unfounded in principle, and fatal in its consequences to this country. I condemned it at the beginning, and have regularly opposed its progress in every stage, both in and out of parliament.

"The eminent and very important services to his Majesty and this country," mentioned in the motion, I entirely disapprove, and consequently shall withhold the poor pittance of my thanks and gratitude, where I do not think them merited, in a war of glaring injustice and wretched policy. I do not mean, Sir, to derogate from the high heroic courage, and superior military virtues, of lord Cornwallis. I admire the splendor and brilliancy of those qualities, which dazzle in my countryman as they did in Julius Cæsar, and I equally lament that they are called forth to action in the same bad and mischievous cause; the attempt to overturn the liberties of his country. The Roman too possessed, as the hon. gentleman says of lord Cornwallis, "nice and delicate sentiments of honour and valour." He was certainly an accomplished gentleman, perhaps the most accomplished of any in the history of mankind; but he carried on a wicked war against the constitution of the free country in which he was born, and therefore under the strongest obligation to support. In the same light I consider the war now carrying on against our brethren in North America; and if an arbitrary, but incapable, administration had succeeded in the plan of dragooning the colonists into unconditional submission, I believe that the liberties of England would not long have survived those of America, and the vital principle of freedom, which now pervades and animates this island, except perhaps a few clans very far north, must have been extinguished. Every friend of the constitution saw early in the support of the American cause a vindication of the rights of Englishmen against an old exploded usurpation of the Stuarts, revived under the third prince of the House of Brunswick.

Sir, I hope to be forgiven, if I repeat at the beginning of this new parliament the sentiments, which I more than once submitted to the last, and even in the first session of 1774. I am still convinced that the war with America originated in tyranny and usurpation, in the unjust attempt of taking money from the subject of the colonies without his concurrence, in levying taxes on the people there against their consent. This has ever been the favourite maxim of despotism. In opposition to this illegal claim the immortal Hampden shed his blood. Such an attempt against the fundamental rights of the people fully warranted our virtuous and free ancestors to begin the civil war, which brought the

tyrant Charles to the scaffold. The American cause, therefore, I mean the primary cause of this destructive civil war, is the cause of every Englishman, who values our excellent constitution; a constitution for several years in a decline, which has of late received many stabs in its vital parts. This right of the people, to withhold or grant their own money, this power of the purse, which includes that of the sword, alone secures the existence of parliament, our annual meeting within these walls. This marks the difference between the limited monarch of our island, in a mixed government, and the eastern despot, or the arbitrary sovereigns of France and Spain. We then in a particular manner, with a singular propriety, ought to stand forth the guardians of this right to all the subjects of this state.

The sentiments, Sir, on the rights of our brethren in the colonies, which I have now the honour of delivering here, I imbibed from lord Cornwallis, who enforced them with great energy a few years ago in another House of Parliament. His lordship, in a solemn argument in the House of Peers, in conjunction with four other respectable characters [The earls Tankerville, Cornwallis, and Shelburne, viscount Torrington, and lord Camden,] strenuously denied any right we had to tax the Americans, while they continued unrepresented in the British senate. It was in the debate on the motion for the commitment of the Declaratory Act. His lordship's opinion likewise of the wisdom of the measure, after condemning the theory, may be gathered from his words in his examination before this House in May 1779: "I never saw a stronger country, or one better calculated for the defensive." Mr. Pitt, in this House, with a boldness of imagery, and glow of colouring, which his eloquence always gave, did justice to the distinguished patriotism of the band of the five illustrious heroes, as he named the small number of peers who on occasion of the opposition to the Declaratory Act approved themselves the friends of freedom. He did not foresee the slaughter of his fellow-subjects in the same cause by one of that band of illustrious heroes at the glorious victory at Camden. If there is any change of sentiment on this important question in his lordship's mind, we have no parliamentary evidence, on which it can be founded. It can only be surmised from his lordship's eagerly soliciting a command against the Americans at the first breaking out of a

war, which originated from the unworthy purposes of passion and party, and since endeavouring by fire and sword to enforce a taxation on the colonies, although as a member of the legislative body he formerly did not hesitate to pronounce it equally impolitic and iniquitous. If arguments of great and irresistible weight have been urged for so total and wonderful a change, they are carefully concealed. The motives of conviction, or rather of this miraculous conversion, are easier guessed than with delicacy explained. As a peer, his lordship supports American freedom, and votes against an ignominious badge of bondage on the colonists; as an officer, the same earl solicits a command in America to enforce that injustice of which he complains, and is active to rivet the chains of slavery on the free-born inhabitants of the new world, and the descendants of Englishmen. In such a cause I will not give thanks to genius and courage united, but ill-directed, productive of no good, but infinite mischief. I will never fail, Sir, to express my concern and anguish, when I see great military talents thus triumph over the superior civil virtues of the citizen, when I observe mere lawless force and violence receive the aid of valour and distinguished ability to overturn a fabric of freedom and justice, cemented by the best blood of our ancestors. Such military glory is purchased too dear. It is a kind of wretched anti-civic crown, which must disgrace the sanguinary brow of every unfeeling, unprincipled conqueror. A good man will indignant turn his eyes from laurels and palms of victory stained with the blood of deserving fellow subjects sacrificed to sordid views, to the lust of power, to the rage of a tyrannical administration. The palm of consistency, at least, the hon. gentleman who made the motion will at all events scarcely think of offering to lord Cornwallis. That will be worn, and I hope long, with the applause of his grateful country, by another noble earl [of Effingham] who rose superior to the false glory to be acquired from his profession, when called upon in an unjustifiable cause, and honourably preferred the line of duty to his country and its constitution, to the fame and renown of military achievements, which his natural ardour panted after. Lord Cornwallis, sir Henry Clinton, and admiral Arbuthnot, I will not consent to thank, for I consider them as having drawn their swords against their innocent American fellow-subjects, and

without provocation bathed them in their blood.

The noble lord who spoke last, says, that our thanks would come with great propriety to lord Cornwallis, and the other two officers, because the thanks of this House were voted on the taking of Quebec, and the late success of the gallant Rodney. Does not the noble lord observe a striking difference in the three cases? The surrender of Quebec was, perhaps, the most important and brilliant triumph over France of all the splendid victories of the last glorious war. It was the conquest of the capital of the perfidious Gaul in the new world. Sir George Rodney's late defeat and capture of the Spanish men of war at that critical moment merited the warmest thanks, and most esteemed rewards of this country. In both cases we were destroying the overgrown power of the House of Bourbon, the inveterate, avowed enemy of this nation. I think with Hannibal, *hostem qui feriet mihi erit Carthaginensis*. I hold that man to be the best Englishman whose efforts shall be the boldest, the most spirited and successful against France and Spain, especially against their naval power, which by the criminal negligence of our ministers has risen to such an alarming greatness. I will from my heart thank that man. I will vote to decree him every honour of the senate and people. On the House of Bourbon should we call down all the thunder of the war. We ought, Sir, to blush at the cruel ravishing and desolation of the country, and the merciless slaughter of the inhabitants of our colonies, in a foolish, angry quarrel, carefully fomented at last to a bloody war, raised on a "baseless fabric," which perhaps in the end may scarcely "leave a wreck behind." Our generals and admirals have already totally ruined some of the most flourishing parts of this convulsed empire, and destroyed numberless industrious brave fellow-subjects, equally entitled with themselves to the protection of the laws, and executive power. Are these, Sir, the eminent and very important services to his Majesty and this country, for which the hon. gentleman flattered himself with obtaining for our commanders the unanimous thanks of this House, of the representatives of the people of England?

It has been said, Sir, by the hon. gentleman who made this motion, that the Americans are now actually leagued with

France and Spain against this country. I do not doubt the existence of a triple league between America, Spain and France, but I know the provocation, and I have good reason to believe the alliance is only defensive and temporary. I do not allude to commercial treaties. France and Spain now appear to the world as auxiliaries to the United States of North America. The first alliance with France was made with great reluctance by America on the spur of the present necessity. It was not thought of until in our domestic quarrel we called in foreign forces to cut their throats, until the mercenary German, or rather Cappadocian, princes, sold their subjects, like cattle, to an administration expert in every species of bribery and ruinous contract, until long after our negotiation for Russian troops to be sent to North America had been rejected in terms of contempt and horror. The late union between America and France is so unnatural, that I am satisfied, whenever you offer, with sincerity and cordiality, honourable terms, accompanied with the security America will expect, it will be dissolved. Your conduct hitherto has drawn closer every tie between them. If you improve the late most glorious victory at Camden, to bring about this necessary peace with America, then will be the moment to rejoice, to join in thanksgiving for the salvation of Great Britain as well as America.

Sir, I will not thank for victories, which only tend to protract a destructive war. I should rather have said for some transitory, delusive gleams of success in this unjust, and providentially unfortunate American contest, this *bellum sine hoste*, as such a state of arms was defined by the ancients. Not a single Frenchman or Spaniard in arms against us fell at this most glorious victory at Camden, but *Romanæ miscent acies*. Is it probable that this most glorious victory will lead to an honourable peace? If it does not, but is the cause of continuing the war, I shall deem it a public calamity. Peace, peace with America, only can save this sinking state, and give us permanent prosperity. We are already nearly exhausted, yet continue bleeding at every vein. Peace ought to be had on almost any terms; for from the estimates on our table, the expence of this war, continued a few years longer, will bankrupt this nation; the population, commerce, and navigation of

which are visibly decreasing. I consider peace as of absolute necessity for ourselves, for the internal state and independence of our own island, in the present crisis of horror, and almost despair. I would subscribe to almost any conditions to obtain it, because I believe the North-Americans would then readily quit an unnatural alliance, into which they have been driven by our more unnatural conduct. Necessity brought forward the new idea, formed, signed, and has hitherto observed that strange treaty. America, detached from her present connections, and in a real union of interests and strength with Great-Britain, is more than a match for the confederate House of Bourbon. In such a situation the family compact would not dare to be avowed. The last war gives us the proof in point. We had then an able and enterprising minister, in full possession of the most active genius and vigour of mind, seconded by the whole strength of the British nation and America. What is our present prospect? America is at this moment thrown into the scale of the House of Bourbon. Must it not then weigh us down? It surely, Sir, becomes ministers to lay aside all passions and prejudices, and endeavour to heal this unhappy breach between two powerful friends, when every concession to America, either as a subject or an ally, may win her to us, restore the balance of power in our favour, and compensate the loss of our other allies.

The independence, Sir, of the colonies has been frequently mentioned in this debate, but with a positive declaration that it is a point never to be conceded. Whether it is granted, or not, by a British parliament, *de jure*, seems to me of little moment and avail. It is merely an amusing, curious theme of speculation among a set of idle, listless, loitering, lounging, ill-informed gentlemen at Westminster, who mark the disorders of the state, to combat which they possess not vigour of mind or virtue. A country, much larger than our European empire, which we still love to call our colonies, does, and will, possess it *de facto*, notwithstanding all the present delusive assurances of ministers within these walls, notwithstanding the late exploits of a Cornwallis and Clinton, notwithstanding all the former repeated victories of Gage and the Howes. In this island only are persons found, who doubt that the present war will end in the acknowledging of American independence.

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The history of this war warrants me, Sir, in the suspicion that all these boasted successes do not tend to any real emolument to our country, to bring nearer the wished-for moment of a re-union, and sincere reconciliation with our alienated brethren in the colonies. After the evacuation of Boston, Rhode-island, and Philadelphia, for the acquisition of which no thanks, I believe, were given by this House, a small degree of sagacity might lead any man to suspect that the reduction of Charles-town, by the army and navy under the command of sir Henry Clinton and vice-admiral Arbuthnot, and the late most glorious victory obtained by lord Cornwallis at Camden, will in due time be followed by the evacuation of Charles-town, and the two Carolinas. A future Gazette will probably announce it, to screen the generals, in the same terms as with respect to Philadelphia, and with as much cold indifference as any play or farce at either of our theatres, by his Majesty's command.

Sir, I can never separate in my mind the rotten foundation on which the whole system of the American war is built, from some specious parts of it, by which the unthinking are at the first view allured and dazzled. As I reprobate the want of principle in its origin, I the more lament all the spirited exertions of valour, and the wisdom of conduct, which in a good cause I should warmly applaud. Thinking as I do, I see more matter of grief than of triumph, of bewailing than thanksgiving, in this civil contest, and the deluge of blood which has overflowed America. Would to God, Sir, we could leave persecuting, even to death, those of our own blood, who only desired to be received as friends and fellow-subjects, to share our fortunes, to fight our battles, as before, by our side, and to enjoy at home peace, liberty, and safety. Public thanks from this House on the present occasion will only widen the breach, and demonstrate how far we are behind other nations in the knowledge of true policy. The wisest and most polished nations of antiquity drew a thick, dark veil over the horror of civil commotion and bloodshed. I will admit for a moment, merely for the argument, that all which has been urged by the noble lord in the blue ribbon, and the gentlemen on the other side of the House, is well founded, that the American war originated in justice and policy, and that the colonies have rebelled, still I object to every mo-

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tion like the present, because I wish to hide the nation's scar, and to forget all deeds of valour, not against the common enemy, but our fellow-subjects, whom I desire to save and conciliate. The Romans, undoubtedly the first people in the universe, granted no triumphs for the victories of their generals in civil wars. They wished not to record and perpetuate, but to conceal and deliver to oblivion, the memory of Romans falling by the swords of Romans. They thought it the direct effect of the vengeance of the incensed gods. That example of enlightened polity will, I trust, be adopted by the hon. gentleman who made the motion. I am sure that no man feels more than he does for the present calamities of both countries in this cruel civil contest. I know the humanity and tenderness of his nature, and thought it rather surprising that he should chuse to bring himself into the unpleasing, awkward situation of Burrus in Tacitus, *et mcerens Burrus et laudans*. Such a conflict of different passions is highly distressing. I will endeavour to extricate him by the most earnest supplication that he would withdraw a motion, from every part of which I find it my duty to dissent, while I deeply lament that the lustre of such splendid victories is obscured and darkened by the want of a good cause, without which no war, in the eye of truth and reason, before God or man, can be justified.

Lord North regretted that he found himself obliged to deviate somewhat from his intentions, to say nothing concerning the justice or policy of the American war. The hon. gentleman over the way had attempted to sully laurels which he had hoped would be above the power of detraction. Lord Cornwallis was fighting, and fighting not against, but for his country. Nor had his conduct been in any degree inconsistent. He had protested against carrying on coercive measures against America, as long as he conceived the Americans injured by such measures. But as soon as Great Britain gave up the point of taxation, and made other liberal concessions, it was consistent in lord Cornwallis to draw his sword against those whom justice, and more than justice would not satisfy, and who had leagued themselves with the inveterate enemies of this country. He said, he must remind the hon. gentleman of the political sentiments on this subject of the earl of Chatham, who would have been moved with the

greatest indignation at the idea of giving up the dependency of America on this country, although he was not a friend to American taxation. He observed that earl Cornwallis was not a soldier of fortune, or under any temptation to seek in war the advancement of his interest. He had left the comforts of a liberal fortune to risk his life, and undergo many toils in war, to serve his country, and perhaps to a view of personal reputation; but a reputation well deserved, being founded on services of the greatest importance to his country. He hoped that the hon. gentleman would be the only man in the House who would oppose the motion.

Mr. Wilkes desired it to be understood, that he had never said lord Cornwallis was a soldier of fortune; he had only said, that after professions of a contrary disposition, he had drawn his sword against the liberties of his countrymen.

Sir Charles Bunbury said, that the hon. gentleman who made the motion had wished ardently for unanimity. He wished that the motion had been conceived in other terms. Earl Cornwallis might be thanked for doing his duty as an officer, without any motion being made of the cause in which his abilities were exerted, in the same manner that an artisan might be applauded for performing his part well, though the design of the architect, of which his work formed a part, might be condemned. Why was not sir H. Clinton thanked immediately after the reduction of Charles-town? It did not seem a great mark of respect to that general officer, to defer a vote of thanks to him, until he was occasionally taken into the list of meritorious officers, when thanks were moved to others.

Lord Beauchamp moved that, by way of amendment to the motion, the thanks of the House should be given to vice admiral Arbuthnot, at the same time that they should be given to sir Henry Clinton. The admiral had contributed his share towards that conquest, and there were precedents, nay, it was customary to thank the admiral, as well as the general, when any success was owing to the joint operation of both army and fleet, as in the case of the reduction of Quebec in the last war.

Sir Joseph Mawbey. I was not in the House when the hon. gentleman made his motion for thanks to sir Henry Clinton, and the earl Cornwallis, which I am persuaded originated with him from the

purest motives. The noble lord in the blue ribbon, and an hon. gentleman near me, has talked much of the glory and importance of the victory at Camden; if, in any thing I shall say on the subject, I should be thought to depreciate and deny that glory and that importance, I hope no gentleman will believe I have any ill-will to the noble lord, for whose character and abilities I have the highest respect. I think the thanks of the House should never be given but on occasions the most important; when a victory has been obtained, which has been followed by consequences the most considerable and beneficial; they will lose their value when given on light and trivial occasions. The victory of Camden, in my poor opinion, is deserving of no particular attention from this House; and I verily believe, the noble lord himself would not wish to have the thanks of parliament for such a victory. When some hon. friends of mine lately moved the thanks of this House to our late Speaker, sir Fletcher Norton, I did not vote, because they appeared to me to be unprecedented and improper. Can any man believe, that thanks, as in that case, opposed by more than two-fifths of the House, reflect any honour on that gentleman; so far from it, that I am persuaded, that he himself must wish that question had never been agitated. The thanks of parliament should come with unanimity to be valuable. I think with the poet, that "Praise undeserved is censure in disguise." It is impossible the present motion should meet with general concurrence. If we believe the American account of the battle of Camden, their left wing and centre, composed of militia, ran away at the very first fire, and only a few regular continental troops opposed for a short time the whole British army. A victory over troops who did not fight, is not of a sort to call for the thanks of parliament. That at Bunker's-hill was a most gallant business, because it was obtained over troops who made a brave resistance, and who were driven from their various intrenchments, one after the other, with great slaughter. The victory at Camden is not marked by any material consequences. Lord Cornwallis himself says, the enemy were upwards of 5,000 in number, and he makes the killed and prisoners not quite 2,000; so that 3,000 men escaped, dispersed, and scattered indeed, but which in all probability at this time compose an army, with considerable re-

inforcements, sufficient, under general Gates, to drive lord Cornwallis back towards Charles Town. If the victory at Camden only affords ministers a pretext for another year's continuance of this unfortunate war, begun in folly and wickedness, and conducted on their part by incapacity, negligence, or treachery, I shall consider it as a serious calamity: in my poor opinion no victory can be important that is not decisive in America. Whatever procrastinates a war, which I verily believe must end in the allowance of American independency, must in itself be a serious evil.—From the moment an account arrived of this battle, the ministerial writers were busily employed in fabricating extracts of letters from Boston, New York, and Philadelphia, written all in London, painting discord among the Americans, and insinuating defection, which never existed but in their own imaginations; by such means the deluded people of this country are to be reconciled to the farther prosecution of this calamitous and unfortunate war.—There was a time when ministers might have ended this unfortunate war with credit. The Americans wanted only to be put in the situation they were in before the year 1763. But unconditional submission was then the cry, and governor Penn's petition was rejected with contempt. Commissioners, when it was too late, were sent out, offering terms less advantageous for this country: but it was impossible the Americans could confide in any assurances given by the same ministers, from whom all their calamities originated, more especially after the breach of assurances contained in lord Hillsborough's famous letter.—I have uniformly opposed the American war, and all the steps that led to it, from principle. I thought it unjust in its commencement, and I object to it now on the ground of inexpediency. Is there a man that will gravely, and with an unembarrassed face, assert in this assembly, that he thinks we can conquer America, assisted as she now is, by France and Spain? Will either of the noble lords over the way assert it? Will lord Cornwallis come to this House, after his arrival in England, and assert it? I have too good an opinion of the good sense and honour of the noble lord, to believe that he will. General Grey told us a contrary story; and an hon. gentleman (sir J. Wrottesley) a member of our own, told us, after serving two campaigns in America, that it was impossible for this

country to subdue that, even though the 20 or 30,000 Russians that were talked of. had been sent to assist us: and he has, though connected with the heads of administration, voted ever since, very much to his honour, against the continuance of the American war. Why do we carry on the war without any hopes of success? The people of this country are oppressed by the decline of trade, and the enormous taxes laid upon them. Every year will add to those distresses. The people feel and murmur. The noble lord in the blue ribbon seems insensible of their sufferings. I know there is a general discontent: if the war continues much longer, national bankruptcy will take place, and the consequences must be seriously alarming.—If ambition, if avarice, prompt the noble lords over the way to continue in office, would to God that ambition and avarice could be gratified without their country's ruin! Let them have sinecure places and reversions for themselves, their wives, and all their children. Let the crown give them new honours, red ribbons, blue, or green. Let them be assured of this bishopric, and that auditorship, provided we can get rid of them as statesmen. Let them have any thing, let them be any thing, rather than in a situation to complete the ruin of their country.—The hon. gentleman who moved the motion of thanks has said, that he drew it originally in the precise terms used in thanking the duke of Cumberland in 1746. Does he, then, liken the battle of Camden to the duke's victory over the Scotch rebels at Culloden? There never were two actions more dissimilar: the one extinguished a rebellion, the object of which was to overturn the constitution and religion of this country, and to divest the House of Hanover of the throne; the other was in consequence of a war begun in injustice, and the battle has been productive of no material effects. Let me inform the hon. gentleman, that censure on the undeserving, is as necessary as thanks to the meritorious, for the promotion of military discipline, and honourable achievement; and, I hope, he will proceed to enquire into demerit, wherever it may be found in the service. Report says, we are speedily to have among us sir Hugh Palliser, who has been convicted by one court martial of bringing a malicious and ill-founded charge against his commanding officer, and has been found guilty of neglect of duty by another. [Here a cry of Order

ran through the House; and the Speaker said, that sir Hugh Palliser was not yet a member of the House, and therefore he hoped sir Joseph would not bring his name into debate irregularly.] Sir Joseph resumed, and said, I am obliged to you, Sir, for your caution and advice. I have said nothing of that gentleman I will not say to his face: I have no prejudice against him, but what has arisen from the facts stated and proved in the printed trials, which every gentleman may have in his power to peruse. But, Sir, he has neglected his duty, and has brought a malicious and ill-founded charge against his commanding officer; notwithstanding which, he has lately been promoted to the government of Greenwich hospital, a place to which he could have had no pretensions from rank and standing in the service, if his conduct had not been exceptionable, as I think it.—I shall probably be told, that the court-martial, in affixing on his accusation the epithets “malicious and ill-founded,” exceeded their jurisdiction, and that he was acquitted by the other court-martial. The latter, indeed, acquitted him, but neither unanimously nor honourably, after finding him guilty of neglect: the other court-martial did not exceed the usage and practice in like cases, which is the law of courts martial. In 1757 or 1758, sir Thomas Frankland, then at Antigua, brought a charge against sir Thomas Pye. [Here the Speaker called sir Joseph to order, as deviating from the question. Mr. Fox supported sir Joseph, and shewed clearly that nothing could be more orderly than to talk of the delinquency of one admiral, when the question related to the thanking of another. Mr. Rigby supported the Speaker, and called sir Joseph's a dull narrative; which expression immediately called up Mr. Townshend, who, with great warmth and eloquence, attacked Mr. Rigby for his ungentleman-like and illiberal reflection. After the Speaker and Mr. Rigby had again spoken, sir Joseph Mawbey proceeded.] I am inclined, Sir, to doubt at least of my being right, when you tell me I am wrong; and though it would not be difficult to go on in a way perfectly consistent with order, I shall not proceed, as I find it objectionable to one part of the House. As to the hon. gentleman's charge of dullness, it becomes not me to say much on that subject; I know how little qualified I am to entertain, but I speak from principle and genuine opinion.

The hon. gentleman possesses, in a superior degree, the faculties necessary to afford entertainment; and though I am seldom convinced, I am pleased by his orations, which are always lively and diverting. I oppose the motion of thanks for the reasons I have before stated; and more particularly because I think general Prevost, admiral Barrington, and others, equally entitled to them for their military conduct. You will cast a stigma on those officers, if the thanks of this House be not given to them; perhaps at this late hour it were better to give none, and therefore I hope the honourable gentleman will withdraw his motion.

Mr. *Rigby* thanked the Speaker for the polite manner in which he had conveyed his censure. Henceforward, he said, there will be no such thing to be heard of as dullness in the House of Commons. Dullness had taken her flight for ever from the House, and on a very singular occasion. He was going on in this strain, when sir Joseph Mawbey seemed inclined to rise again to speak. But I am afraid, said Mr. *Rigby*, that I am growing dull, I will therefore sit down, till the House resumes its brilliancy.

Mr. *Sheridan* observed, that Mr. *Coke* had expressed an earnest desire that this motion might pass unanimously, though he knew there were in that House different descriptions of men, who could not assent to a vote that seemed to imply a recognition or approbation of the American war. If so many were to be included in this vote of thanks, why exclude any who had an equal title to the applause of the House, with those particularized in the motion? Why not thank general Prevost, for example, for his victory over the enemy at Savannah? A victory that had laid the foundation of the success at Charles-town, which led the way to that at Camden? He hoped that a motion would not be objected to, to thank general Prevost, that the victory gained by him was a victory only over the French. Mr. *Sheridan* asked farther, why the thanks of the House had not been voted to sir Henry Clinton, immediately on the arrival of the success at Charles-Town? And what must be the feelings of that general officer, when he reflected that the thanks of the House were voted to him only in consequence of a resolution to thank earl Cornwallis? He apologized to Mr. *Rigby* for not answering some things that had fallen from him, in the same ludicrous strain, in which he chose

to view every thing, except what related immediately to his own interest. In his own opinion there were some things too serious for ridicule, and the question before them, if ever any question did, merited a serious and grave discussion. He acknowledged the hon. gentleman had a fund of drollery and humour, but he liked his ingenuity, his humour, and his counsels, better than his political arguments.

Mr. *Courtenay* thought that gentlemen on the other side might vote thanks to the gallant officers proposed as objects of their gratitude and praise, without any scruple arising from any opinion concerning the justness or expedience of the American war, when they considered that it was of importance to this country to maintain and even promote the honour of the British name. When they considered that lord Cornwallis had saved the lives of a whole army, ready to be swallowed up by so numerous a foe, by the wisdom of his dispositions, as well as the generous ardor which his noble example inspired into the troops: if among the Romans, he was rewarded with a civic crown who saved the life of a single citizen, how much more does he deserve a tribute of praise who saves the lives of thousands! Besides, the Americans were the allies of France, and every wound that was given to America affected the House of Bourbon. He had not now respect to the origin of the war, but to the present state of it. He considered not what had been, but what in reality was, and what was likely to be. He compared those politicians, who were perpetually murmuring about the beginning of the war, to the idiot who, accustomed to hear at certain hours a village clock, through the mere force of habit and the association of ideas, continued to count the hours, at the proper periodical times, after the clock had gone to decay or was broken in pieces. He touched on the subject of the personal altercation between Mr. *Rigby* and sir Joseph Mawbey in this manner: dullness, with the best intentions to be brilliant, is often unavoidable. A pig, it is said, never attempts to swim, which is the next thing to soaring, without cutting its throat. Again, it is said, that an eel swims faster in mud, though it has no fins, than fishes that have. He applied to something that a chemist told him, concerning a preparation of lead, which though cold, heavy, and soporific, had a poisonous and malignant quality.

Mr. *Fox* said, that it had been very well

observed by his hon. friend, that there were some things too serious for buffoonery, and the subject before them he conceived to be of this kind, and had expected that it would have been seriously treated even by those who seldom treated with seriousness any thing else. With regard to the merit of lord Cornwallis, ministers, after all their encomiums, had greatly underrated it: for the only fruit of the taking of Charles-Town was to throw that able officer and the troops under his command into a situation of great peril, from which he had extricated them with amazing ability and bravery. On this point he dwelt with great ingenuity, placing it in a variety of lights. He asked what were to be the advantages to be derived from the reduction of Charles-Town, and the victory at Camden? And whether the thanks of the House would have been refused had they been proposed to sir William Howe, after the victory on Long Island, Bunker's-Hill, Brandywine, or on his taking New-York or Philadelphia? Or would they have been refused to another general, on his taking Ticonderoga? Such, he presumed, would be the victories for which the House was to offer thanks. He allowed the merits of the officers now in question, but he made a distinction between thanks and praise. He might admire their valour, but he could not separate the intention from the action; they were united in his mind; there they formed one whole, and he would not attempt to divide them. He would not vote the thanks of the House to any admiral, while the navy of England was in such bad hands. He alleged that ministry, dissatisfied and chagrined with the thanks that had been given to sir Fletcher Norton, had taken this method of depreciating their value. He asked where they were to stop, and why thanks were not voted to the whole navy and army? The same men who had fomented the rebellion in 1745, seemed to be at the bottom of the American war. They wished to subdue the liberties of England by first subduing those of America; and the vote of thanks moved for this day is in this spirit, "You thanked the duke of Cumberland for conquering us in 1745, now we have an opportunity of retaliating the insult, by thanking sir Henry Clinton and lord Cornwallis for conquering you."

Mr. Adam observed, that in the time of the war of the succession, thanks had been voted to the duke of Marlborough, though the war was unpopular, in which

his great talents were exerted. Who would have thought of considering the victories at Rosbach by the king of Prussia, and at Minden by prince Ferdinand, as disadvantages to this country, though the German war was considered by many as ruinous thereto? Was ever such language held by any opposition as was held by the present?

After some further conversation, the motion, with the amendments, was carried without a division.

Debate on the Navy Estimates—Sir Hugh Palliser's Defence.] Dec. 4. The House being in a Committee on the Navy Estimates,

Lord Lisburne opened to the Committee the Navy Estimates for the ensuing year.

Mr. T. Townshend declared, he was perfectly conscious how unusual it was for any man to say a great deal in objection to voting the sums necessary for so popular a service as that of the navy of England, in time of war. He did not mean to incur the odium that such a line of conduct, he was aware, would draw down upon him, considering the present situation of the country; but it was from that consideration, from a wish that the country might be done justice to, from a wish that the people might be satisfied as much as possible under the great burthens they sustained, that they were not unnecessarily taxed, and that the large sums voted by committees of supply in that House, were prudently and economically expended; that he had risen in order to ask such questions as it became the duty of a member of parliament to ask, and as the best members of that House had at all times thought it right to put, when the question before the committee of supply was a question which went to burthen the subject so much as the present did. He had moved for papers the other day, with a view to make himself sufficiently master of the subject; to be able to know whether his suspicions that the navy was unwisely managed or not, were well or ill founded. The noble lord who had opened the business of the day, had done it with that candour which always distinguished his conduct. He called therefore upon that noble lord to inform the committee, how it happened that the present half pay list of the navy was so large as it was. In time of war, gentlemen well knew, that in proportion as the public

expence for actual services increased, the half-pay list of the navy always decreased, and that head of expence grew less as other heads of expence grew greater. At present the half-pay of the navy was not lessened, but was uncommonly large. This was a proof that the old officers, those who had served in the last glorious war, were suffered to remain on half-pay, while new masters and commanders, and new captains, were daily created. With regard to the flag-officers, a matter equally extraordinary was obvious. Last war we had but about 30 admirals in the service; now there were upwards of 60, and 40 of that number had been created in the time of the present first lord of the Admiralty. Out of the 60 admirals now on the list, not more than 20 were employed; and among them, only two of those who had served with so much honour to their country, and so much credit to themselves in the course of last war. Why was this? Why were such great and respectable names as admiral Keppel, lord Howe, admiral Campbell, admiral Barrington, and admiral Pigot, suffered to remain on the half-pay list? This the country ought to know; and the cause ought to be removed, in order to restore spirit and unanimity to the navy. The cause why some of these respectable admirals were unemployed, was certainly no secret. Two of them had served, and how had they been treated? They were obliged to quit the service, because they could have no confidence in the present administration. Feeling as they did, from their experience of the present ministers, they would be fit for Bedlam, if they again trusted them and accepted commands. He observed, that it was now the will of the present first lord of the Admiralty to employ those officers who had received promotion during his presidency at the head of the Admiralty, as well flag-officers as captains, and masters and commanders, in preference to those who had gained their characters last war. As the papers were not before the House, he could not speak precisely as to the captains, masters and commanders: he did not mean to complain, he knew there was not time to prepare them; but he should like to have been able to compare the list, and see whether, from the great number lately created, the greater proportion of those now in actual service were not selected. The only captain of last war who had been promoted, and was in actual service,

was captain Kempenfelt, now an admiral, who had been first captain on board the *Victory* to three commanders in chief. He had originally been first captain to sir Charles Hardy; he next devolved on Mr. Geary, and late on Mr. Darby. Why he was so fortunate, and had been favoured with so high an honour, he was not able to guess; he had heard indeed, on all hands, that he was an excellent officer; but considering how few other officers of equal standing had countenance under the present administration, the case was certainly singular. When he said this, and when he called upon the noble lord to state why admiral Keppel, lord Howe, admiral Barrington, admiral Campbell, and admiral Pigot, were unemployed, he did not mean to cast the least reflection on any officers who were in service; others whom he had not the honour to be personally known to, he believed were equally objects of respect and esteem. He thought their serving their country at this moment, a matter of great merit, and they had his sincere good wishes; he only desired, that all the ability of the profession might be exercised for the public good, and that by a due distribution of rewards and punishments, the ancient and noble spirit of the British navy might be revived and carried as high as it was last war, when all Europe saw the glory we had obtained at sea with wonder and with envy. He took occasion to remark on the very extraordinary event of the campaign of 1779, declaring, that the people of England, after voting and providing sums beyond all precedent for the service of our fleet, had been witness to the shameful circumstance of the western squadron, the great home security of the country, flying up its own Channel, to avoid a foe of greater force in pursuit of it. Was this a proof of the care of Admiralty? Was this the testimony of their proper application of the sums voted for the navy? Besides, if common report was to be credited, at this moment the western squadron were in the chops of the Channel, incapable of getting higher, and not daring to keep their proper station, because a superior fleet of the enemy was out, convoying a fleet of French merchantmen, &c. to such ports as France had in the Channel. After dwelling a short time upon this, he concluded with declaring, that he expected to have an answer to his questions.

Lord *Lisburne* said, he was always ready to answer such questions as he had it in his

power to reply to. With regard to admiral Keppel, lord Howe, and some other admirals alluded to, he could only say, that one of them, with whom he had the happiness to live in friendship, had been with him that day, and had authorised him to declare, that he was willing to serve as second in command, upon any service, but that he did not choose to accept of a command in chief. The reason the admiral assigned, was rather a proof of his own modesty, than any thing else, the admiral having excused taking a command in chief, on the plea that his talents were not equal to it. He alluded to admiral Barrington, who it was well known had been more than once pressed to accept the command of the western squadron. With regard to the other admirals alluded to, they from private motives, best known to themselves, had declined to serve. As to the half-pay list, he believed as many old officers, whose age, health and abilities would allow them to serve, were in the service. In reference to flag-officers, he was pretty sure that nearly all who were from the state of their health and faculties capable of being employed, were employed. And as to the promotions, of late years, it had been a custom to promote the officers of the navy in general according to their seniority, unless in cases of extraordinary merit. Formerly, he believed, the custom had been to elect some and pass by others, which, except under particular circumstances, was surely a little unfair.

Mr. *B. Gascoyne* said, that as from his connection with the Admiralty, it might at times be in his power to satisfy the House, he should always be willing to give the House information when he could do so. The noble lord had omitted a part of the answer due to the hon. gentleman, relative to the large half-pay list, and that was, that all the captains upon the impress service were still on the half-pay list. It therefore seemed as if less of the old officers were in actual service than there really were; since in all the great ports and towns, the duty of the impress service was committed to captains, who, according to the rule of the service, received their half-pay as well as other pay: in small places lieutenants did the duty. Another part of the hon. gentleman's speech seemed to merit some notice, and that was, with regard to the report of our fleet being in the chops of the Channel, not daring to keep their destined station, on account of

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a superior fleet of the enemy being at sea. Before he could credit this, he must have it well authenticated. But from his knowledge of the bravery, zeal, and good wishes of the officers of the western squadron now at sea, he was perfectly convinced, that let the force of the enemy be superior or not, the fleet of England, under its present commanders, would never justify an accusation of skulking from its station for fear of an enemy.

Mr. *Townshend* expressed some surprise at what he had heard relative to officers on the impress service, receiving both full and half-pay. He also begged the committee to recollect that he had not used the term "skulking" in what he had said relative to the present situation of the fleet of England, as report stated it to be, or of the motives which occasioned that situation. He was far from supposing, that the officers on board the fleet, would on any occasion act in such a manner, as to merit reproach. He therefore desired it to be remembered, that the pretty word "skulk" had been applied to the fleet by the hon. gentleman who sat at the board of Admiralty, and not by him.

Mr. *Gascoyne* acknowledged that he had used the word, but he believed no man could seriously imagine, that when he was speaking in justification of the characters of the officers of the fleet, and in order to rescue them from the possibility of a bad impression operating to their prejudice, he could mean to fix reproach and disgrace upon them. He had not picked his expressions, but had talked of the fleet's skulking, the more stronger to mark his sense of their being incapable of such conduct: perhaps if he had called it a discreet retreat, his expression would have been more suitable.

Lord *North* rose to defend the Admiralty from the suspicions which he said, he was sorry to see the hon. gentleman, who spoke first in reply to the noble lord near him, entertained, under an idea that more masters and commanders, and more captains were made than was necessary, or in fact, that their promotions were mere election jobs. His lordship declared, if the entire list was referred to, the contrary would appear to be the case. Upon looking over those promotions of the last year, which he had in his hand, this was evident. In the course of the last year, the greater part of those promoted, at least one half, were promotions made by the commanders in chief at sea, who had a power of making

post captains, and masters and commanders, as occasion offered. That this power had long been vested in our naval commanders, but that the Admiralty had done all they possibly could to restrain the abuse of it, and had lately in a great measure effected this, by issuing an order, that neither any post captains, nor any masters or commanders, should be made by commanders at sea, excepting only in the cases of death, and sentence of death, incapacity, or suspension, by a court-martial. From the list of the promotions of the last year it appeared, that a full half were promotions at sea, and that the other half were promotions of gentlemen who had done their country such eminent services, as made reward highly necessary, and would have rendered it a matter of censure and blame in the Admiralty, had they passed the services over in silence, for which services the promotions were given. In order to satisfy the committee fully, his lordship read over the names of all that had been made post captains and masters and commanders in the course of the last year, as well those promoted at sea, as those promoted by the Admiralty. Among the latter, were the lieutenant of the *Quebec*, the lieutenant of the *Serapis*, the lieutenant of the *Apollo*, several other officers who had greatly distinguished themselves, and the hon. James Luttrell, whom his lordship described as a very worthy and deserving member of that House. There was scarcely one, the mention of whose name and the ship he had belonged to, did not call to mind some glorious action, performed by the officer named, in the course of the present war.

Mr. *Fox* said, he thought it necessary to repeat what he had stated to the committee when they first took the navy supply into consideration on a former day, namely, that though he did not object to it, he acquiesced in it under an idea that it was generally understood that the late proceedings of the Admiralty would be made the subject of an enquiry, and that the House would proceed to examine on a future day, by whose advice it was, that his Majesty had conferred a post of distinguished honour and emolument on a person convicted of having preferred a malicious and ill-founded accusation against his superior officer.

Earl *Nugent* spoke to order. His lordship with great earnestness begged, for the honour and dignity of the House, that every matter which led to angry discussion

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and personal abuse might be avoided. He said, it was gentlemen suffering their good sense and sober judgment to be lost in the rage of party altercation, during the last parliament, which had disgraced that House in the eyes of all the world. Did gentlemen consider, that every thing said within those walls was sent abroad, was translated, and was read by every man, foreigner as well as native, who could get at a common newspaper? From the personal abuse thrown out in the last parliament, the inhabitants of other countries were led no longer to regard the members of that House as the grave representatives of a great, and a free people; they thought the British parliament had lost its honour and dignity, and that its resolves were no longer the result of that deliberation, which were the essential characteristics of national wisdom and true greatness. He hoped to God, therefore, that gentlemen would, from a sense of the honour and dignity of parliament, not convert that House into a Polish diet, and make the necessary qualifications of an orator within those walls, not the best and most intimate acquaintance with the works of Cicero and Demosthenes, but the greatest proficiency and the most perfect skill acquired in the school of Mr. Angelo and other masters of defence. If matters went on thus, the whole scheme of political education would be turned topsy-turvy, and that member only would in future be qualified to be first lord of the treasury, who was the best fencing-master in the kingdom.

Sir *Robert Smith* called lord *Nugent* to order. He insisted upon it, that his hon. friend had not been disorderly in what he had said, and that the noble lord was not warranted in interrupting him. It was perfectly in order, when a question respecting the navy was before the committee, to go into a discussion of the rewards and punishments bestowed on naval officers. It was not merely hulks of ships and guns that made the navy of England, it was the spirit and honour of the officers and the men, and when they were damped, the navy was sure to be ruined.

Earl *Nugent* rose again, and said, the only reason of his interrupting the hon. gentleman had been from a most sincere wish to preserve that general peace, good humour, and temper, within those walls, which alone could give dignity to debate, and assist the public business, in the eyes of Europe, by shewing, that the British parliament was unanimously inclined to

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proceed in the war, and to forward its operations, however debates might arise as to the manner of doing this. He protested he had a very great respect for the hon. gentleman, and for his extraordinary talents; but it was from a painful remembrance of what had already past, and a fear of similar consequences which might end more fatally, that he had interrupted him where he had. Let gentlemen consider how important it was to preserve the honour and dignity of the House from such injury as it must ever receive, when matters were carried to the length that they had been carried to last year; exclusive of the less important, though very serious matter, the chance the House ran of having two of its members lose their lives. It was from these feelings that he had spoken before, and he hoped to God, what he had said would meet with due attention.

Mr. Fox resumed his argument, and said, he had possibly, he was free to confess, in the heat of debate, frequently transgressed the orders of that House, and had often been carried farther than he ought to have been; but if saying a thing deliberately, if saying a thing in cool moments, when nothing had happened in the course of a debate which could justify heat and betray a man into resentment, made it worse, or more wrong than it was at any other time, he, in defiance of that conviction, was ready now, seriously, deliberately, and coolly, to repeat what he had before said, and why?—because he was conscious he was perfectly in order so to do; and he appealed to the committee, whether he had given the least occasion for the noble lord, or for any other person to call him to order. Every word the noble lord had said, referred to matters of a nature perfectly private, matters with which neither that House, nor any committee of that House, had any concern; matters which fell not within the scope of parliamentary debate in any sense whatever. He had said before the very same words, and to the very same effect which he was beginning to repeat, when the noble lord interrupted him. If it had been wrong, if it had been disorderly in itself, it was as much so on the former day when he first mentioned it, as it could be now, and the former day, in that case, would have been the time to have called him to order upon it. He had before avowed, and he begged leave now to repeat the avowal, that he never in that House meant any thing personal; he never said a word, which any

man had a right to take as an affront to him as a private gentleman, because he never said a word which was intended to carry any such import; as well might the noble lord in the blue ribbon say, when he was arraigning his public conduct as a minister, that he was affronting and insulting him as a man. The noble lord knew parliamentary order better, the noble lord, he saw, had looked to the motion when he had been called to order, and had not the noble lord's good sense and judgment told him that he was speaking strictly to the question, and that he was not disorderly, he would undoubtedly have risen himself to have called him to order: he therefore should pursue his subject, and he begged once for all, gentlemen would hold in their minds, that he never would be deterred from speaking his sentiments fully and freely in that House, by any dread of consequences personal to himself, consequences which it would be madness for him to wish to incur, or for any man to take pains to draw upon himself. It was therefore in strictness of duty to his constituents, in conformity to his duty as a member of parliament, that he recurred to what he had before said, and for this good reason, which his hon. friend near him had suggested, that it was not merely sails and masts, rigging and hulks; it was not merely yards and timber, that made the navy of England; it was the spirit and high sense of honour of its officers; a spirit and a sense of honour which could not exist, but under a proper administration of justice in the Admiralty, by a proper distribution of rewards and punishments. How, then, was the navy to be expected to flourish, when the person convicted of having preferred a false and malicious accusation against his superior officer, and who was barely acquitted when tried by a court-martial, upon charges exhibited against himself, was promoted to a post of distinction, of honour, and of profit; and here he begged leave to say, he did not blame that person; it was the first lord of the Admiralty, the earl of Sandwich, who was alone to blame, who ought to be made the subject of inquiry. What had been said formerly, when the accusation was first preferred against his hon. relation, admiral Keppel, but that the accuser was the instrument, the Admiralty the principals. It was they who suggested, who prompted, who spurred on the accusation. It was attempted to be denied on the part of the Admiralty; but what would men say to it now, when

the accuser, after being pronounced by the sense of one court-martial, a false and malicious accuser, and being barely, not honourably, acquitted by another, was rewarded with an office of high honour, of great emolument? What had been the accuser's own sense of his conduct immediately after the first sentence was pronounced? Had he not abdicated his seat in parliament? Had he not resigned his seat at the Admiralty-board? Had he not made a discreet retreat from public notice? His hon. friend below him had asked, why was not admiral Keppel, lord Howe, and others employed? His hon. friend, from a lapse of memory only, had, he was sure, omitted to mention the name of another great officer, who ought undoubtedly to have been employed; he meant sir Robert Harland. But the motives why these great officers refused to serve, were obvious: they were not, as the noble lord had termed them, private; they were public motives. The reason was, they could not serve with confidence or with safety, under an administration guilty of convicted falsehood, and not merely of notorious, but of recorded treachery. This was the reason, the true, the only reason. There were certainly in the service several very worthy and respectable officers; men, who having no situation like that of his hon. relation, had not the same risk to run. Men who had no parliamentary connections, no connections which rendered it, in their opinions, likely that ministers should endeavour to ruin them. They had his applause and his thanks for serving, as heartily as that of any other member of parliament; as heartily as he gave his applause and his thanks to sir George Rodney, to whom he had so repeatedly declared, and with sincerity declared, that applause was eminently due. But still no man who wished well to his country, could avoid lamenting, that it was impossible for the great and distinguished characters alluded to, at this moment of exigency to serve their country; every man that wished well to his country, could not but most anxiously endeavour to remove that only bar to their service, the present administration. It was, he confessed, the wish of his heart, his constant endeavour, to do his country that essential service; and therefore it was, that he hoped after the holidays, the sentence of the second court-martial, which had been refused before, might be moved for, when he would move a question for an inquiry into the conduct of the earl of

Sandwich; and he made no scruple to say, that his first and principal motive for it, was, that the first lord of the Admiralty had promoted to a post of distinguished honour, a gentleman who had been convicted by a court-martial of having preferred a malicious and ill-founded charge against his superior officer; his secondary motive was, because the gentleman so promoted, when tried by a second court-martial, before whom charges had been exhibited against him, had been not honourably, but only barely acquitted. He concluded, with saying, that the inquiry was essential to the public, and essential to the navy, and that it ought to be brought on as soon as possible after the holidays.

Lord North said, that whenever an enquiry into the conduct of administration was brought on, either on the present grounds, or on any other, he assuredly would not attempt to parry it by a call of order, by taking refuge under any form of the House, or by any shift of the question whatever. With regard to the threatened enquiry, he cared not how soon it was brought on; the sooner the better; he was ready to meet it fully and frankly, to join issue upon it with the hon. gentleman, and go into an investigation of the merits without reserve. The hon. gentleman had declared he rested his reasons for thinking an enquiry necessary, in the present case, principally on the sentence of the court-martial which tried Mr. Keppel, and in which sentence the person who preferred the charges against Mr. Keppel, was pronounced a false and malicious accuser. As the hon. gentleman meant to bring on an enquiry, he would not go into a very ample discussion of that point now; he would only say shortly, what he had before said more at large, and should say more at large again; the court martial was convened for the purpose of trying Mr Keppel, and not sir Hugh Palliser; the court martial had a regular charge submitted to their consideration and decision against the one; they had no charge whatever before them against the other; in pronouncing, therefore, sentence upon the motives of the accuser, they had exceeded the line of their jurisdiction, and had condemned a man unheard, who had no opportunity of trial, no opportunity of entering upon his defence. With regard to the main cause upon which the hon. gentleman had declared his eagerness for an enquiry, namely, the having given sir Hugh Palliser, accused as he was by the

sentence of Mr. Keppel's court martial, the government of Greenwich hospital, he was ready to avow his share of the measure, and to defend and support it in that House, or wherever it should happen to be agitated. The hon. gentleman had principally dwelt upon the sentence of the court martial, and had termed the words of the court martial which tried sir Hugh, a bare acquittal. He saw the matter in a very different point of view, and he read the sentence under a widely different construction. If he understood the meaning of the word 'meritorious,' it was, that an officer whose conduct had been declared, after a strict enquiry into it, to have been highly meritorious, was an officer who deserved reward; and that exemplary conduct meant such conduct as was a proper example for other officers to follow. Under this, which appeared to him to be the natural reading of the sentence, sir Hugh was undoubtedly an object of reward, and after his conduct had been declared highly meritorious and exemplary, administration would have been criminally neglectful not to have given him reward; this, his lordship emphatically declared, was his opinion of the case; he avowed it fully, and he was ready to stand or fall by it.—Let gentlemen recollect the peculiar circumstances that made sir Hugh's acquittal more than commonly honourable to him? Let them call to mind the art that was used to set the public in a flame against him previous to his trial, the great pains that were taken to run him down, to render him the object of universal indignation. Let gentlemen also call to mind, what was the language of even the other side of the House on the subject of his impending trial. What had been said by an hon. gentleman, not at present in the House, but who, he understood, was soon to come among them again? A gentleman of great eloquence, and of more than ordinary humanity and benevolence of heart. "Don't send sir Hugh to his trial. For God's sake have mercy; men's minds are so enflamed against him, that his judges cannot surmount their prejudices. If you send him to trial now, let him be either innocent or guilty, you send him to certain death." When this language was recollected, surely every dispassionate man, every impartial reader of the sentence, would regard it under the circumstances in which sir Hugh went to trial (for it was notoriously at his own request, and on his own

repeated application, that he was tried) as an acquittal which did him the highest honour, and which it was the duty of the King's ministers to pay proper attention to, and to follow with reward and honour.—With regard to the sort of reward that had been bestowed on sir Hugh, his lordship said, he was a little astonished to hear that called in question, after what had been said previous to the second court martial, by the same hon. gentleman, to whose speech in that House he had before alluded. That gentleman, with his usual benevolence, had "earnestly recommended it to to ministers, to apply to his Majesty to bestow upon sir Hugh, for his long and meritorious services previous to the 27th of July, an ample annuity or pension;" and this request he had pressed with all the force of his eloquence. How happened it, then, that the tone was so different at present, when, if he recollected rightly, the government of Greenwich hospital did not make a greater addition to the honourable admiral's income, than about 6 or 700*l.* a year, his half-pay, as a vice-admiral, ceasing, from the hour of his promotion to Greenwich hospital?—The hon. gentleman had used some very fine words against administration, words which certainly were very strong; but, unfortunately, there was not the least truth in them. Speaking of those officers who refused to serve, and who had been enumerated, he had said, the reason for their declining to serve was, they had no confidence in administration, guilty of convicted falsehood and of recorded treachery. These expressions were certainly sounding, but to what did they apply? In what did the falsehood and treachery of administration consist? An hon. gentleman who spoke early in the debate, had said, that admiral Keppel and other officers, whose names had been mentioned, would be thought fit for Bedlam, if they served under the present ministry. Now, if the present ministry stood guilty of convicted falsehood and recorded treachery in the eyes of those gentlemen, it was surely equally fair for him to say, that the present ministry would be fit for Bedlam if they employed those admirals; and that if they did, knowing their want of confidence in administration, they ought all to be sent to Bedlam together; but would the hon. gentleman say, that the having given the office of governor of Greenwich hospital to sir Hugh, had operated in admiral Barrington's mind, and induced him

to decline the service? If that was the hon. gentleman's deduction, he must contradict it; admiral Barrington having agreed to serve since that promotion took place. His lordship asserted very fully, that if blame was due upon sir Hugh's promotion to Greenwich hospital, it was not solely imputable to the first lord of the Admiralty; that noble lord had undoubtedly the transaction to manage ostensibly, but no message had been carried to his Majesty upon the subject, before the whole business had been conferred on by others of his Majesty's ministers; he was one consulted; he advised and acceded to the measure, as well as his brethren in office; he made not the least scruple to avow it; he had stated generally his motives for having so acted; he was conscious of having acted a becoming part, and from that consciousness he was ready to meet any enquiry upon the subject.

Sir Hugh Palliser rose and said:

Sir, I did not call the hon. gentleman (Mr. Fox) to order, though he gave me sufficient cause for it; because I would not appear afraid to hear any thing he might say at any time, or in any place, or on any ground on which he might think proper to attack me. Being unaccustomed and unqualified to speak in a public assembly, and having now many things to say, I must beg the indulgence of the committee, by allowing me to have recourse to what I have committed to writing. But I must first apologize to the noble lord (North) next to me, if, in the course of what I have to say, I should repeat part of what his lordship has already expressed; not having been apprised of the generous support with which his lordship has now been pleased to honour me. I am not surprised at the attack now made upon me. After such harsh reflections and high menaces, as are said to have been uttered concerning me in this House whilst I was absent, it was scarce possible that my enemies should decline all censure of me when present. Thus foreseeing, that there would be an attempt to raise a new storm against me on my first re-entrance within these walls, and through me to excite new convulsions in the state, I am come, in some degree, prepared for resistance; and I earnestly entreat the committee to grant me a patient hearing, whilst I offer some observations in behalf of the most injured character in the kingdom,

Notwithstanding the extreme violence of the prejudices against me on the acquittal of admiral Keppel, and the outrages which followed, I never so yielded to the impressions of adversity as to be without the hope of finally obtaining justice from the voice of my country. It was this hope, with the consciousness of the rectitude of my conduct and intentions, which sustained my spirits throughout the succeeding unequal conflict: these encouraged me to persevere in the vindication of my honour, at the imminent risk of seeing that and my life sacrificed to the rage of party. Had I been in the least inclined to wave the contest, my enemies affected to be so merciful as to give me a fair opportunity. They strongly expatiated on the cruelty of permitting a trial, which, as they conceived, even on the supposition of innocence, must, from the universality of the prejudices against me amongst my brother officers, terminate in my conviction and death. They solemnly washed their hands of my blood. They tenderly declared themselves fully satisfied with my present sufferings: nay, to alleviate these, they were so compassionate, that though they proscribed me from the honourable line of my profession, they had no objection to my having an ample pension for my support in retirement. Such was the language of my enemies, both in and out of parliament. But I did not hearken to it. I was neither terrified by their menaces nor soothed by their pretended kindness.

The event of my trial confirmed me in the expectation, with which I had before consoled myself. My judges, proving superior to the influence of party and the dread of unmerited unpopularity, discharged their office with a determined impartiality; and the result was a sentence, which I shall ever think most honourable to me. In the introductory part of it, my judges declared, that "my conduct and behaviour were, in many respects, highly exemplary and meritorious." Though too, the court had scrutinized into every part of my conduct, with an almost unexampled strictness, the only omission, which could be suggested, was, that I did not inform the commander in chief of the disabled state of the *Formidable*. But so far was the court from imputing this to a blameable cause, or from attributing the least ill consequence to it, that they stated it in dubious and reluctant terms, simply pointing it out as a matter of opinion;

and having so done, they concluded with an absolute acquittal. Indeed, had I conceived, that there was a probability of imputing such an omission to me, I should have been more full in my explanation on this head. I did take notice, that the signal of distress in the fighting instructions was not applicable; and that the condition of the *Formidable* was so apparent as to make any information from me unnecessary. I also noticed, that I had no frigate by which I could send information; the *Milford*, which was the only frigate of my division, having been taken from me by Mr. Keppel early in the afternoon. But I might have advanced several steps farther, to obviate the idea of omission. Till the *Fox* reached me between seven and eight at night, Mr. Keppel's own conduct did not leave me the least room to suppose him ignorant of the *Formidable's* inability to reach the length of my station in the line; for he not only did not make any enforcing signal to signify his expectation of seeing my division in the line, till 13 minutes after six, when the signal for coming into his wake was hoisted the second time; but also, on putting out the pendants of several ships of my division at half an hour after six, he did not think fit to make my pendant one of the number; whence I concluded, that he knew my condition, and therefore did not expect me. In respect to afterwards sending information by the *Fox*, if I had thought it necessary, I had not the opportunity; the *Fox* having separated from me before I could finish what I had begun to say to her captain. What other means I could have devised to send an explanation to Mr. Keppel, time enough to answer any purpose, I am still to learn. But all this is not of importance to me. The terms in which the omission is stated, with the acquittal which follows, sufficiently protect my character, being repugnant to the most remote idea of criminal imputation.

Since my trial, I have patiently waited for the subsiding of the public prejudices; and so far as regards my exculpation from the charges for my conduct the day of engagement, I have reason to believe, that the proceedings on my own trial have opened the eyes of many; who, before they knew what was my defence, had been seduced into an injurious opinion of me: and I trust, that the more thoroughly the grounds, on which my judges acted, are examined and understood, the more

convincing the proofs of my innocence will appear. But still some unfavourable impressions continue to operate against me, on account of my accusation of Mr. Keppel; and for this I have been blamed, even by some persons of great respect, who were far from being indisposed to form an impartial judgment, if they were furnished with the necessary materials.

In this part of the case, my ill-fortune exposes me to the most embarrassing disadvantages. On the one hand, there is a sentence acquitting admiral Keppel, and declaring my charges malicious and ill-founded. But, on the other hand, the manner in which I was urged and driven to become an accuser, and the grounds on which I could have sustained my charges, are not only ill understood, but in truth have never yet been explained by myself. The proper time for discussing this matter was, when Mr. Keppel was on his trial; but then the opportunity was denied to me. The trial being closed, and a judgment of acquittal irrevocably pronounced, it might seem invidious and unbecoming on my part to publish to the world what I should have offered in support of my charges. Such a measure I have therefore declined hitherto; nor will I be ever induced to adopt it, by any thing less than its being authoritatively called for, or the most apparent impossibility of otherwise resisting the attempts to complete my ruin. But then the difficulty is, how to avoid such an extremity, without surrendering myself a quiet victim to the persecuting spirit of my enemies. The leaders of them have continually been loading my name with reproaches; and though some of them, on many accounts, have a title to much respect, yet even these so forgot all manliness of character as to assail me with the most embittered eloquence in this House, when it was known that I could not be present to defend myself. Now too, that I am present, they know the advantage they derive from my being unendowed with qualifications for a popular assembly; and thence they are encouraged to recommence their attacks; though surely they cannot imagine, that I shall sit still, without at least endeavouring to give a check to any aspersion aimed at me personally. Under these circumstances, should I continue acquiescing in these public attacks of my character, without any attempt to repel them; more especially at this time, when I am threatened with new efforts to keep me out of the

service of my country ; I should establish the credit of the misrepresentations by which I deem myself so highly injured. Some explanation on my part is therefore immediately requisite, to disappoint my enemies of the final accomplishment of their designs.

It is not, however, my intention to revive the consideration of the passed transactions relative to admiral Keppel and myself, farther than he and his friends shall compel me by their hostilities. I am well convinced, not only that very ill consequences have already arisen to the public service from the contest between that gentleman and me, but that new mischiefs will be generated if the subject is resumed. Under this impression, I think it incumbent on me to make great sacrifices of my own private feelings, rather than administer the least pretence for any farther discussion of the grievances, of which the hon. admiral and I respectively complain. Therefore, on the present occasion, I shall avoid speaking to many points in which my character is interested ; and I shall keep within much narrower limits than I should prescribe to myself, if I aimed at the full defence of my conduct towards the hon. admiral who is opposed to me. The friends of the hon. admiral, in their invectives against me, seem to place their chief reliance on the sentence pronounced by his court-martial ; I mean that part of the sentence which declares my charges malicious and ill-founded. This is the bitter spring from which my enemies draw poison to impregnate their licentious declamations. If the admiral's friends were content with appealing to this sentence as a testimony of his innocence, I, on my part, for the sake of public tranquillity, would forbear all complaint and objections ; but when the admiral or his friends, aiming at a farther persecution of me, apply that sentence to fix upon me the stigma of being a false and malicious accuser, I cannot acquiesce. The injury is too gross to be patiently submitted to. As such, I feel, and will resist it.

Sir, I can make many important objections against the proceedings of the hon. admiral's court-martial ; and so far as they affect me, I deny their authority. Should my enemies persevere in their threatened motion to disqualify me from the service of my country, they shall find me ready to lay before this House a full and pointed explanation of all the hardships and irregularities by which I conceive both the

public and myself to be aggrieved ; and I will undertake to prove my objections, from the trial printed by authority of the court, and the one published by authority of the admiral himself. At present it would be premature to enter minutely into such a discussion, there being no motion before the committee to warrant it. But after having heard the sentence of Mr. Keppel's court-martial so loudly and indignantly pressed against me, I trust that the committee will indulge me with some present general observations upon it.

I might say of the sentence, that the part which condemns me for malice was extrajudicial, and therefore ought not to affect me ; and, legally speaking, I should be justified. The court was not constituted to try me, or my motives. The hon. admiral alone was the subject of their jurisdiction. Whether he was innocent or guilty, was the only enquiry to which the court was competent ; and so the court sometimes told me, when I put questions to the witness that related to my own conduct. But for the present I will not farther urge the court's incompetence. The complaint which I shall now enforce is, for their not hearing me. As prosecutor, I had clearly a right to observe upon the evidence ; I had a right to reply to the admiral's defence. To observe upon the evidence and defence, after examining witnesses to support it, is the right of every complainant, either by himself or counsel, in every cause, in every court. I say this of my own country ; but should I extend the assertion to every other country in Europe, I should not run the risk of much contradiction or exception. To hear observations from one party only, is contrary to natural justice, contrary to the practice of all courts I have heard of. That both parties should be heard, is as essential to justice in courts-martial, as it is before other judicatures. The maxim of *audi alteram partem* is universal ; it is the golden rule, for the guidance of all courts. But, plain and obvious as this right of being heard is, I was opposed in it by the hon. admiral himself ; and it was denied to me by his court-martial. Admiral Keppel objected to my being heard on the merits in any stage of the trial, and the court yielded to the objection throughout.

On the close of the evidence for the prosecution, I offered to address the court, and tendered a paper for that purpose ; but the admiral instantly objected to my

being heard, explaining himself to mean, that I had no right to make a speech on the merits in any stage of the cause; and the court, without knowing what the paper contained, after some deliberation, resolved not to hear it. I then solicited to know, whether I should be at liberty to address the court on the close of the evidence on each side. The admiral repeated his objection to my being heard on the merits in any stage; and emphatically said, that he would oppose it to the last minute. If the court had answered my question negatively, my intention was, to have protested against their proceedings, and declined any farther attendance. But I was misled into a belief, that finally I was to be heard; for admiral Montagu, one of the court, declared, that when admiral Keppel's witnesses had been examined, he should be extremely glad to hear every thing the prosecutor had to say; and this declaration was not contradicted, or in any way disputed by the rest of the court. The fact I now state appears only in the trial published by authority of Mr. Keppel: the words which passed after the court's resolution not to hear my paper, having been ordered to be expunged from the judge advocate's minutes, though part of the matter expunged had been minuted by the judge advocate at my particular requisition.

After the defence and the examination of the admiral's witnesses, I again pressed the court for a hearing, and claimed a right to reply to the defence, and to observe upon the evidence, giving, as an additional reason, that the defence was in great measure a recrimination of me, the prosecutor. But I was again interrupted by the admiral, who insisted that it was unprecedented: and I was again refused a hearing by the court, notwithstanding admiral Montagu's promise to hear every thing I should have to say. Thus the trial closed with a sentence acquitting the accused, and condemning the accuser, after hearing the former, whenever he thought fit to address the court; but without once hearing the latter, either in support of his charges, or in justification of himself.

Such are the extraordinary proceedings, on the authority of which I have been continually the subject of popular declamation, both in and out of parliament: such is the sentence, on the basis of which an honourable member of this House has, I am told, pledged himself

to impeach one of his Majesty's ministers, and to give the final blow for my destruction. But before he becomes an accuser, with such a sentence for his sanction, the hon. gentleman may find it convenient to deliberate on the difficulty of justifying such an irregular proceeding as I have described. If he undertakes the task, he will have many strange assertions to make, many embarrassing propositions to maintain; such as I cannot imagine any man, however confident, will presume to offer in that House. Will the hon. gentleman say, that it is consistent with justice and impartiality to hear one party only? Will he assert, that it is consonant to justice to hear every thing from the accused, and at the same time to refuse hearing any thing from the accuser? Will he assert, that an accuser has no right to be heard on the merits in any stage of the trial? Will he deny, that it is the practice of parliament, and of all our courts of justice, to hear accusers and complaints of every kind, by themselves and their counsel, on the merits? Will he allow, that if the House should impeach any of the King's ministers, it will be justifiable in the House of Lords to refuse a hearing to those appointed to conduct the impeachment? Or, will he say, that they would submit to be restrained to the examination of witnesses only? Will he deny, that since the æra of the Revolution, the twelve judges of England have subscribed their names to a paper, which solemnly recognizes the right of the prosecutor, to observe on the evidence and reply to the defence in treason; or will he deny, that lord Holt, the then chief-justice of England, was one of those judges? Will he deny, that the volumes of State Trials prove a continual exercise of the same right, in crimes of every class and denomination; in those of the higher order, those of the middle order, and those of the lower one, as well in felonies and misdemeanors as in treason? Will he deny, that the late Lord Chief Justice of the Common-Pleas, when Solicitor-General, exercised this right against a noble lord now living; or that the present Chief-Justice of the same court, apologised for not exercising it on the trial of the duchess of Kingston? Will he deny, that in Mr. Horne's case, the present Lord Chief Justice of England, recognised the right of reply as too clear to bear argument, though the accused, to avoid a reply, should decline offering a syllable of evidence; or will he deny, that

Mr. Horne's defence was replied to by the present Lord Chancellor, who was then Attorney General? Will the hon. gentleman deny, that in all complaints and accusations by individual members of either House of Parliament, it is the constant practice to hear observations from, and to allow the reply to the complainant; or will he deny, that a late member of this House exercised this right in the last session of parliament, on a very serious charge against the noble lord (North) near me? Will he deny, that the judge-advocate, or any other person prosecuting, has a right to be heard at land court-martial on the merits, when such prosecutor requires it? Will he deny, that prosecutors, who appear and demand to be heard on the merits, are heard at naval courts-martial, and say that it is unprecedented? Will he deny, that the captains who accused admiral Knowles, were heard in observation on the evidence, and in reply to his defence? Will he deny, that admiral Knowles was heard in observation on the evidence, and in reply to the defence of his captains, on four several trials? Can he name one instance of a prosecutor, who was refused to be heard by a naval court-martial, except the instance of myself at the trial of admiral Keppel; or, if he can find such, will he say that it is conformable to established practice and approved precedents, and ought to be followed? Will he assert, that it is just to condemn any man as a false and malicious accuser, without a trial or hearing of any kind; more especially in a case in which one part of the defence was a recrimination of the accuser? Will he deny, that I am entitled to the benefit of that chapter of Magna Charta, which declares, that justice shall be denied to none; that none shall be taken or imprisoned, none shall be outlawed, none shall be banished, none shall be destroyed, unless by the lawful judgment of his peers or the law of the land? Will he say, that it is not contrary to Magna Charta, contrary to justice, contrary to the law of the land, to condemn, to disqualify, to record me guilty, before I have been tried or heard? Will he say, that it was right in admiral Montagu to promise a hearing to me, and the court to acquiesce in it, and afterwards for the same judges to refuse me a hearing? Or will he undertake to produce one other example of such a conduct from any court of this country on a solemn trial! Will the hon. gentleman assert, that, if he should

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be an accuser of any minister, or any man in this House, it will be justifiable to refuse hearing a speech from him on the merits in any stage of his accusation; or that he ought not to be heard on close of the evidence for the accused? Will the hon. gentleman risk having it recorded in the Journals of this House, that if he should ever be so unfortunate as to have a charge against him, whether for a malicious accusation or any other matter, it will be just to condemn and punish him without hearing one word from him in his exculpation; without suffering that eloquence, by which he has so often attacked and defended others, to be once exerted in behalf of himself?

I cannot convince myself, that the hon. gentleman will risk his fame and popularity on such language and doctrine. But though he should be so transported by the rage of party, by zeal for the admiral, his friend, by hatred of me, or by any other incentives, as to make such a mockery of truth and justice; or even though his committee of safety should publish to the world their implicit assent to the position, that an Englishman, or any man, may be condemned to utter ruin without trial or being heard; I trust that they will not have the countenance of this honourable assembly. At least, I trust, that there will not here be found a majority of such determined bigots to the cause of the hon. admiral, and the party he is attached to. If, too, the hon. gentleman should thus deeply pledge himself to establish a precedent of injustice, it is not impossible but that he may live to suffer by his own invention. He is well read in the page of human life; he knows the strange vicissitudes to which it is liable; he is not ignorant, that none are exempt from a portion of its bitterest calamities; he must feel, that the more elevated the station the more is it exposed to the rude assaults of winds and tempests. Lightning will blaze and fire the proud and lofty palace, whilst the low and humble cottage escapes unhurt. Let the hon. gentleman then, for a moment, explore the deep abyss of future events, and he will there see, that even he may be accused; that even he may be forced before the awful tribunal of justice. But should he be thus arraigned, how can he claim to plead in support of his own innocence; or should he so claim, may not his judges sternly pronounce this severe and tremendous sentence of retribution? You are the unjust

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judge, who condemned your fellow-subject without trial or hearing;—he strenuously urged you to listen to his exculpation, before you recorded him guilty;—he solemnly warned you against establishing such a precedent of injustice;—but your heart was steeled against the tender feelings of humanity, your ear was deaf to the loud cry of justice; and under the pretence of public good, you made a sacrifice to an unbridled passion of private resentment.—Thus by his fate you promulgated a law for punishing without trial; a law for your own destruction;—the law is most harsh and cruel; but you are its author; you overwhelmed your adversary by enforcing it;—Go thou, and by the same law perish likewise;—this is your sentence!—let it be eternized for the future instruction of mankind;—but henceforth let the law be repealed;—your punishment alone will suffice to teach men how to respect the equal course and order of justice. Should the hon. gentleman defend Mr. Keppel's court-martial for condemning me unheard, is it possible that he can reflect on the affecting situation I have imagined for him and not tremble? or can those rash persons, if such there be, who shall stoop to search for precedents to uphold him in so unjust a conflict; who shall ransack the annals of injustice to sanctify such doctrine; can they, I say, after this notice, proceed in their office without fear of the consequences?—No; I think it impossible! Let them then retire in time; let them desist from the inglorious pursuit, before they are covered with shame and disgrace.

Sorry I am, that the occasion should extort from me such strong colouring, such impassioned language. But the hon. gentleman and his friends are not yet pledged to palliate or defend the condemnation of me without trial or hearing; and I wish, if they will not shrink from the task of being advocates for violated justice, to leave them without the least excuse for such a conduct. I am the more sorry to speak thus strongly; because I feel for the judges of the hon. admiral's court-martial. When they reflect on the serious consequences from the dangerous example of condemning an officer unheard, I am sure that they will be afflicted at one part of their proceedings. I do not on this occasion allude to the acquittal of their hon. admiral, or to the approbation they have expressed of his conduct; but I mean, that they will lament having refused me a

hearing, and yet condemned me for malice. Thus much I say concerning them, lest the gentlemen should suppose, that I impute to them a deliberate and intentional deviation from justice. Great as my sufferings have been from their imputation of malice to me, I really exculpate them in point of intention; and I will do them the justice to believe, not only that the injury I complain of was not wilful, but that they will be most happy to see me fully relieved from its dire effects.

These observations on the proceedings of admiral Keppel's court-martial, I submit to the committee, very much detract from the weight and authority of their sentence. However, I do not ask to impeach the sentence, considered as an acquittal of the hon. admiral.—No; let him enjoy every benefit possible to be derived from an acquittal; let his friends perpetuate the memory of it by illuminations, by triumphal processions, by parliamentary congratulations, by offerings of boxes, by addresses, by statues, by columns and monuments, by inscriptions; let his day of acquittal be commemorated as an anniversary. But when the friends of the hon. admiral extend their views still farther; when they declaim against me as convicted of a malicious accusation; when mobs are excited to destroy my person and property, to enter forcibly and pull down my dwelling-houses, and to insult my friends and servants; when there are in parliament persons so lost to all sense of justice as to palliate such outrages and felonies, or rather almost to defend them; when the friends of the admiral accuse me of criminal disobedience as an officer, and in the same breath use threats to deter me from a trial; when during the pendency of my trial, they confederate to inflame my judges against me, and so to reach my life; when, notwithstanding my acquittal, they still proclaim me a guilty person; when they state Mr. Keppel's acquittal as a condemnation of me; when they justify Mr. Keppel's judges for refusing to hear me, his prosecutor, and for condemning me as such unheard; and when, to complete the measure of injustice, they threaten to make the sentence by a court, which neither would hear nor had power to try me, the ground for recording me as infamous by a vote of parliament: I say, Sir, when all these provocations occur, can it be expected that I should tamely and passively submit myself to the injuries thus heaped upon me, rather than utter any

thing to the disparagement of Mr. Keppel's court-martial or their proceedings? I am as zealous for the good of my country, I am as ready to make sacrifices of my own personal convenience to it, as my enemies can be. But I cannot think it either for the honour or advantage of my country that any officer or man should acquiesce in such treatment. If an enquiry into the justice of the proceedings of Mr. Keppel's court-martial should produce any public mischief; if thereby his acquittal becomes less splendid, less honourable; his friends, who force on the discussion, are responsible both to their country and him; not I, who am ready to bury in oblivion past injuries, if the hon. admiral's friends shall abstain from new provocations.

It may perhaps be said, in justification of Mr. Keppel's court-martial, that there are instances of sentences by other courts-martial, acquitting the accused, and reprobating the accuser for making the charge. That there are such instances I readily admit. Nay, though every thing beyond trying the accused is certainly extra-judicial, yet, where the accuser has been heard in support of his charge, and fails grossly; or has declined to be heard, and admits that his charges are not proved, it may be excusable, under very aggravated circumstances, to censure the accuser, for the sake of more completely marking the injury done to the honour of the accused. But I call upon Mr. Keppel's friends to name one example of such a stigma on an accuser without allowing him to be heard in support of his charges, and in defence of himself for making them. Without such a hearing, how is it possible to form an adequate judgment of the conduct of the accuser, or of the grounds and motives on which he proceeds? Who can say, what new lights may arise when a great mass of evidence is explained, digested, and commented upon? Besides, as I have already urged to the committee, it cannot be fair and just, to hear the evidence observed upon and applied by one of two contending parties, without allowing the same benefit to the other. If that equal advantage had not been denied to me by the hon. admiral's court-martial, who can pretend to say what would have been the consequence? My defence before the court-martial upon me proves that the recrimination, on which the hon. admiral rested part of his defence, was capable of being falsified; and though there was not so much evidence to this point

before his court-martial, as occurred afterwards, yet there was matter amply sufficient to have evinced my innocence in the most material allegations against me, if I had not been restrained from explaining myself to the court. The evidence of captain Marshall, commander of the repeating frigate, so warmly and deservedly applauded by admiral Keppel, with the testimony of the mate and minuting officer of the same frigate, without any thing more, if I had been allowed to make my comments on the signals those three witnesses swore to, would have effectually disproved the chief part of the recriminatory charge in Mr. Keppel's defence. If too, the court had suffered itself to have been possessed of the key to so material a part of the case, who can pretend to say that it would not have caused impressions favourable to me? What might have been the result, it would not become me to give my sentiments, farther than saying, that I am confident it would have cleared me from the imputation of malice, even in the minds of those members of that court, who gave their consent to that part of the sentence, which was not unanimous as the acquittal was. I have still too respectable an opinion of the judgment and honour of those gentlemen, to believe that they would have entertained so injurious an opinion, if they had heard me. So much I offer to the committee, to protect myself against any argument from that part of the sentence of the hon. admiral's court-martial which condemns me for malice.

Now, Sir, I beg the indulgence of the committee for a short time longer, in order that I may explain in what light I shall appear before the committee, if the extraordinary and irregular condemnation of me for malice, annexed to the hon. admiral's acquittal, is laid aside. If admiral Keppel's case and mine are compared, independently of the words in the sentence which impute malice to me, the most eloquent of his friends will find it no easy task to discriminate between us, with the least shew of advantage to the hon. admiral. We have both been accusers; we have both been accused; we have both been tried; we have both been acquitted. In any one of these points, what can the hon. admiral's friends object to me, without detracting from his fame, from his merits, from his importance, at least in an equal degree. They indignantly object as a reproach to me, that my charges

were a recrimination. But are there no circumstances under which a recrimination may be justified? because recrimination is presumptively and at first a ground to suspect that the accuser is influenced by bad and interested motives; is it therefore to be always concluded, that a recrimination cannot be true, cannot proceed on just and honourable grounds? If the person accused thinks that the crime or fault imputed to him belongs to his accuser, is it inconsistent with honour to undertake proving it? If too the original accuser, preferring a secret, undermining, and indirect attack on his opponent's reputation, declines making his charge in a legal way, and so endeavours to disappoint the man he criminales of a trial; is not such a conduct a strong provocative to a well-founded recrimination? Is there no example of such recriminations in the naval service, and have they always been condemned? Did not admiral Knowles's captains recriminate, on the ground of their conceiving that he attempted to shift his own faults upon them? Was not the admiral tried and censured upon this recrimination? Was not the conduct of his captains much approved of by their brother officers at the time? Will the officers of the navy concur in the opinion, that no provocations, no injuries from their commanders, shall justify a recrimination, however founded in truth? Suppose, however, for a moment, that recrimination is ever wrong; suppose that there was no example of it before, how can the hon. admiral and his friends detest me for recrimination without condemning him? Are they clear, that there has not been as much of recrimination on his part as on mine? Are they certain, that he did not recriminate with circumstances far more unfavourable than those which occurred in my case? My accusation of him was made so as to put him upon his trial; I specified my charges; I risked being a prosecutor; I abstained from being a witness. But the admiral accused me at first in dubious and obscure terms; and though on his own trial he avowed accusation, he never would consent to bring a charge against me. Thus when I was tried, he became a witness against me, and delivered his testimony in so narrative a way, and with so much freedom and copiousness of observation, as to discharge the offices both of accuser and witness, and so in substance to act in two characters, whilst in point of form and responsibility

he appeared only in one. Which then of the two accusations was the most manly, the most direct, the most open, and the most agreeable to law and justice? Which of the two accusations most participated of the quality of recrimination; mine, which followed a secret and indirect accusation; or his, which followed an avowed and direct one?

The common notion, I am aware, is, that I made a charge against the admiral to skreen myself from a trial:—but nothing can be farther from the real fact. Before I made any charge against the admiral, I gave him the fullest opportunity of first charging me. Nay, in effect, I publicly called upon him in this House to bring me to a trial; for when he insinuated here, that he was disposed to overlook and hide my faults; I rejected the proffered favour as an insult, and I claimed an accusation from him, if he thought me deserving of the least censure; observing, that hints and insinuations were worse and more mischievous than charges. Had the admiral avowed accusation when he was thus urged to it, I could have had an immediate trial, without being exposed to the odium of first appearing as an accuser. But the admiral would neither exculpate nor accuse me; knowing that the Admiralty would not grant me a trial without a charge of some kind or other; or that if one had been granted without any charge under the then circumstances, it would have been called a sham trial. By this manœuvre I was driven to the fatal alternative, either of becoming an accuser of a man too great to be questioned without the utmost hazard, or of submitting to the injurious imputation of being deemed the cause of our doing so little in the action, when, if there was blame, I thought that it belonged to him. Having made my charges against the admiral in a legal way under this embarrassment, I again evinced my anxiety for a trial on myself. For this purpose I wrote to the Admiralty, and desired that the admiral might be required to make his charge against me, and that I might be put upon my trial immediately after his was over. He was so required, but he still declined a legal accusation. Yet as his defence was a direct recrimination of me, immediately after the sentence acquitting him, I wrote once more to the Admiralty, to demand a trial on the ground of the charges appearing against me on the admiral's defence. Upon this, the Admiralty once more called upon Mr.

Keppel for an accusation. But notwithstanding this third requisition, founded upon his defence, he still refused to make his charges legally. However, he would not absolutely renounce his right, as I understand the words of his letter, but only disclaimed an intention to charge me; his last letter truly observing, that the law had fixed a period for bringing charges, which in fact was not then elapsed. Thus he made sure of bringing me to a trial in a manner the most advantageous to himself; the most disadvantageous to me. On the one hand, he had every reason to think that when the proceedings of his court-martial were considered by the Admiralty, his recriminating defence would force them to undertake the prosecution of me; in which case he was sure to be a witness against me, instead of being responsible as a prosecutor, and I was sure to be left without any specification of charges. On the other hand, by adverting to the time which the law allows for such accusations, he seemed to reserve to himself a right to prosecute, if, contrary to his expectation, the Admiralty should not direct a trial. Consider these facts, and compare my conduct as an accuser, with the admiral's. The result will be, that all the art and policy were on the side of the admiral; all the openness, and, if we judge by events, all the unguardedness, were on mine. But I do not envy the hon. admiral such a superiority.

It has been urged against me, that I was too late in my accusation; and that if I had thought the hon. admiral guilty of misconduct, I ought to have avowed my sentiments immediately, and without waiting till he accused me. I answer thus. From the beginning, the conduct of the admiral was not adequate to my expectations. I thought, that the engagement of the 27th of July was injudiciously conducted; that the manner of carrying us into action was disorderly; that there was too much neglect of manœuvres, too much contempt of the enemy, too much confidence at first; and too much awe of the enemy, too much distance from them, too much diffidence of ourselves afterwards. But my friendship and esteem for the admiral, his previous services to his country, his high name in the world; these moved me to a favourable construction: and thus influenced, I imputed the miscarriage of the day to error of judgment, to ill health, to ill advice, to ill fortune, to every thing devoid of that evident and positive crimi-

nality which might force to undertake the painful office of accusing one whom I then deemed my friend. As there was not room for praise, I did not bestow it; and as I then conceived, that the admiral's failures might not be wilful, I both avoided public accusation, and most rigidly abstained from secret detraction. But new lights and new occurrences presented to my mind a very different view of the admiral's conduct. When the discontents increased through the nation, in consequence of the reflection, that a superior fleet of England had, for a time, declined continuing to engage an inferior one of France, and permitted it to return into port, in the middle of summer, unpursued; the officers, relations, friends, and dependents of the hon. admiral thought fit to account for this new phænomenon at the expence of my reputation; and for that purpose some of them published to the world, that my defaults had prevented a second engagement. Being thus injuriously attacked, I both personally and by letter solicited the hon. admiral to give a check to such aspersions. But he refused to do this justice to my character; and on conversing with him and his first captain, I found, that they not only countenanced the slanders against me, but added to their number, by refusing to acknowledge, either that on coming out of the action I instantly wore to return to the enemy, or that they had even once seen me on the proper tack for that purpose. This explanation from the hon. admiral and his first captain excited both astonishment and suspicion. I was amazed at their denial of such uncontrovertible facts, and at the admiral's adopting a language so inconsistent with the high commendation of me in his public letter; and I then saw that there was a plot concerted to destroy my character without a trial, and so to make me chargeable for the admiral's failures. My feelings on the occasion were the stronger; because I was conscious, that the chief part of the battle had fallen to the share of me and my division; that I had set an example of forwardness to pursue our blow, by instantly returning upon the enemy, and continuing to stand towards them again; that, though the last out of the engagement, I was advancing to be the first in the renewal of it; and that I should have had that honour, if the admiral had not declined renewing the action, and taken his fleet in a direction from the enemy. Under these circumstances, it was natural, that I should

scrutinize the admiral's conduct more rigidly, and no longer see it with the partial eyes of a friend; and on such a view of the unhappy miscarriage, I at length imputed to real neglect, what I before had ascribed to causes which might be pardoned, more especially in consideration of former services, and such as at first did not seem to me to preclude the hopes of better management in case of again meeting the enemy. Indeed, if, in Mr. Keppel's place, there had been a man indifferent to me, one of whom I had not before formed a very high opinion, it is probable, that my mind would have shaped a different course, probably my first judgment of the matter might have been the same harsh one, as is conveyed by the charges against the admiral. But what apology can he make for the lateness of his accusation; he, who had the charge of the fleet, and the command in chief; he, in whom the nation reposed its confidence, not only for the discharge of his own duty, but to see that those under him completely performed what they owed to the state? What apology can he make for first praising me by a public letter, and in equal degree with sir Robert Harland, and afterwards accusing me for the same affair? Shall he be at liberty to retract his applause, and to substitute accusation for it? Shall he be allowed to say, that his heart dictated censure, whilst his pen wrote praise? And shall mere silence restrain me from accusation, or be imputed to me as insincerity and inconsistency?

As to the state of the proofs on the two trials, I purposely avoid all comparison; because that would be entering into the merits of them, which I think would at this time be improper. If the admiral's friends choose to pursue the subject, and to contrast my trial and the terms of my acquittal with his, I do not fear the comparison. His sentence, it is true, is more pompously expressed than mine; but when the incidents to the two trials are considered, it will be more than a counterbalance for the external brilliancy of his acquittal. The admiral had every advantage to favour him on his trial. He was aided by the influence of the most extensive family connections; he was backed by the whole party in opposition to government, the heads of which daily crowded the trial to countenance and protect him. He was not wholly unaided even by some of the professed friends of admiral-

nistration. His judges throughout refused a hearing to me as a prosecutor. Having announced myself an accuser, I, from motives of delicacy, declined to appear as a witness. Before the trial, parliament altered the place of trial in his favour, to accommodate him, without so much as a solicitation of this distinction from himself; and a number of admirals petitioned the King to throw a slur upon the accusation. But I had no such advantages. Instead of them, I had the most trying difficulties to encounter: the prejudice from having been declared by Mr. Keppel's judges a malicious accuser: the prejudice from the inflamed and mad state of the multitude through the kingdom: the prejudice from having my accuser a witness: the prejudice from the votes of the two Houses of Parliament in favour of Mr. Keppel: the prejudice from the continual efforts of the party in opposition to government against me, to deter me from having a trial: the prejudice from the efforts, nay from the menaces, of the same persons, to aggravate the difficulties of such a disadvantageous trial: whilst, from beginning to end, there was the most apparent passiveness on the part of those in government and their friends: the prejudice from the want of a specific charge: the prejudice from the threats to my judges if they acquitted, with the prejudice from the applause promised if they condemned. With such advantages on Mr. Keppel's part, acquittal became so easy to him, that, though there had been faults the most censurable, condemnation was barely possible. With such disadvantages on my side, it was even surprising, how innocence could escape the fiery trial. Which acquittal then was most honourable, admiral Keppel's, with every prejudice, every indulgence, every exertion, every advantage for him; or mine, with every prejudice, every obstacle, every hardship, every advantage, against me?

Admiral Keppel said, he could not sit still after what had passed; he must rise and say a few words on the occasion, but they should be only a few. He would not follow the governor of Greenwich-hospital (by which name in future he would always call the hon. gentleman, and by no other:) he would not follow the governor of Greenwich-hospital through his long detail; it was unnecessary. With regard to the act for trying him on shore, he thought himself highly indebted to the House for their humanity, and he should ever re-

member it with the warmest gratitude; in the condition in which he then was, had he not been tried on shore, his life, let the sentence have been what it might, would have paid the forfeit; he could not have survived it; he was sure he should have died. The governor of Greenwich-hospital, as well as he, had been tried. Upon the sentence of the two courts-martial he stood, and by their judgments he would abide. One of them had acquitted him honourably, and had deemed the governor of Greenwich-hospital a false and malicious accuser. He knew as little as the governor of Greenwich-hospital, perhaps less, what the sentence would be before it was delivered. Had it been possible for him to have suggested the wording of it, "false and malicious" were the terms he should probably have applied to the accusation, because those terms best expressed his sense of it. What the idea of the governor of Greenwich-hospital was, relative to the accusation, and relative to the sentence, previous to the delivery of the latter, he knew not, but he remembered, that the governor of Greenwich-hospital was out of court, and did not stay to hear the sentence. He had the utmost reverence for the wisdom and justice of his judges; the utmost gratitude for the favours of that House, and for the applause of his country. The governor of Greenwich-hospital had attacked the impartiality of the one, and questioned the good sense of the other. The greatest part of the long detail read to the House by the governor of Greenwich-hospital was composed of arguments against the competency of the court-martial by which he was tried, and against the fairness and regularity of its proceedings. Those proceedings were before the public; every man was capable of judging how far they were liable to challenge or to question, but there was but one way of coming at the motives which influenced the court-martial, and occasioned the sentence to be worded as it was; to that one way he had not the slightest objection. "Absolve the members of the court-martial from their oath; call them to the bar of the House, and enter into a full and free examination of every one of them." To this he was ready to consent; and by this means, and this only, could the real impulse which directed their conduct be discovered. The governor of Greenwich-hospital had termed him an accuser; he never had been an accuser; it never had entered into his

head to accuse the governor of Greenwich-hospital. He did not entirely approve his conduct; but the governor of Greenwich-hospital being his inferior officer, he thought he could at any time, as he had before said in that House, put him by with a fillip. In part of the detail read by the governor of Greenwich-hospital, a great many menaces were thrown out by way of coming to terms; and it was threatened, that if admiral Keppel's friends did this, or that, or the other, then the governor of Greenwich-hospital would do so and so. Admiral Keppel's friends were out of the question; admiral Keppel was present to answer for himself; and admiral Keppel would never accept of any compromise offered by the governor of Greenwich-hospital. Admiral Keppel's conduct was before the public, they would judge of it, and draw their own inference respecting it. With regard to any future enquiry, he was ready to meet it; he had gone through one trial with honour, and he did not doubt but he should come from a second equally clean and unsullied; but for the future he begged the House to know, once for all, that he should not hold himself bound to reply to any thing said by the governor of Greenwich-hospital; it was in his opinion indecent to take up the time of the House with his private concerns and altercations. He stood on public ground, and that was the light in which he had always considered himself. The single thing he had to reproach himself with was, his letter to the Admiralty immediately after the affair of the 27th of July. That letter did not contain the real sentiments of his heart. His secretary knew what he said to be true; his secretary was ready to take his oath in any court in the kingdom that the letter which he first wrote, and that which he sent to the Admiralty, were widely different. The first contained his genuine sentiments, dictated by those feelings which arose from an immediate conviction of the consequence of the governor of Greenwich-hospital's conduct. The second gave him more trouble than any matter he had ever engaged in. His friendship, his good-nature, the regard which he then had for the governor of Greenwich-hospital, his opinion of that officer's gallantry, all got the better of his justice, and the truth was, after altering and altering the letter, he made a sad piece of work of it; he could only say, he would never fall into a similar error.—The ad-

miral said farther, that before he had heard the speech of the noble lord in the blue ribbon, and the long detail read by the governor of Greenwich-hospital, it was his intention to have said something relative to the immediate business of the day. What had fallen in the course of the debate had drawn his attention another way. With regard to what had been said by his hon. relation near him, relative to the convicted falshood and the recorded treachery of the first lord of the Admiralty, he believed the first lord of the Admiralty was so far liable to the imputation, that he was capable of being guilty of just as much treachery as any man could practise without rendering himself liable to a trial in a court of law, and incurring a legal punishment. This opinion, though justified by personal experience on his part, was by no means a new idea. His hon. relation had, in consequence of his entertaining this idea, censured him for taking a command under the present administration, when he, from a wish to serve his country in an hour of difficulty, which ever had, and ever would weigh with him above all private or personal considerations, engaged to go out on board the *Victory*. His hon. relation had told him in direct terms, that the Admiralty-board was not to be trusted, that the presiding lord would first deceive and then betray him. His hon. relation's advice he had originally paid less attention to, than he generally did to every thing which came from the same quarter; he imputed it at the time, partly to over zeal for his honour and his interest, and partly to want of sufficient confidence in those under whom he was to be employed. Experience, however, had proved it to be true, and whatever colour the Admiralty might artfully have contrived to put upon their conduct hitherto, what had passed in the House that day, would open the eyes of the public, and shew the fact as it was. An hon. friend of his had asked, why were not certain admirals whom he had mentioned by name, employed? He was ready to join in the same question. As to himself, he thanked his hon. friend for the respectful manner in which he had alluded to him, but his serving again under the present administration was out of the question; it was impossible: but he could not but ask why sir Robert Harland, and other officers, men every way his superiors in professional skill, were unemployed. He meant neither disrespect nor

disparagement to those on board the fleets; many of them he knew to be brave worthy men, but without naming particular persons, he would take upon him to say, that there were abler officers now on shore than at sea, and he challenged the whole board of Admiralty to controvert the assertion; he would enter upon the comparison immediately, and would undertake to pair them, if his challenge should be accepted.

The Hon. *John Townshend* rose immediately after admiral Keppel, and said, he was at a loss to determine in what light he was to consider the long manuscript read to the committee by the vice-admiral; at one time he had been induced to regard it rather as an address than a speech, but then, though clearly it was not the latter, it did not directly fall within the description of the former; of such addresses at least, as generally were sent up to St. James's from that House in answer to a speech from the throne; all those addresses were entitled humble addresses, an epithet, which certainly had no relation either to the matter read to the House by the vice-admiral, or the manner in which that matter was recited. Again, an address of the House in answer to a speech from the throne, was generally considered as an echo to the speech; now the vice-admiral's address was clearly written previous to his hon. friend's speech of that day, to which, by the vice-admiral's introductory words he meant it to apply. It could not therefore be considered as an echo to that speech, unless it was admitted under an Irish construction, and was allowed to be an echo to a speech before it was made. He was persuaded, however, that had the vice-admiral heard his hon. friend's speech, or known what he meant to say upon the occasion, previous to his having his address committed to paper, the address he had read would not have been the reply he would have thought fit to make to his hon. friend's argument. The vice-admiral's conduct had surprized him extremely, nor could he solve it by any of the common rules of reasoning; his hon. friend, in answer to the very extraordinary interposition and interruption which the House had witnessed, had declared his intention of exercising the freedom of debate in its true sense, namely, that of avoiding personal offence, and at the same time of supporting and maintaining the undoubted right of every member of that House, to discuss matters of pub-

lic authority, matters of public record, without reserve. He, for one, cordially and heartily subscribed to his doctrine, and he meant in his future parliamentary conduct to adhere to it in its fullest extent. The trials of admiral Keppel and sir Hugh Palliser, and the respective sentences passed upon those two officers, were matters of public record, and as such, he should, without meaning to offer the least personal offence to either, advert to them with the utmost freedom as often as the subject should come under discussion. When, upon referring to those sentences, he saw that one admiral was most honourably acquitted, and the other declared a false and malicious accuser, he thought himself warranted, to adopt the words of either sentence, and to quote them on any occasion without question, because he had always understood that matters of judicial record were matters of public conversation, and that every man might advert to them in what manner he thought proper. Considering the whole of the case as it stood, he could not suppress his astonishment at the language held by the governor of Greenwich-hospital. Had the hon. gentleman succeeded in his accusation, had he made it out, had he been able to prove, by competent evidence, that the person he charged was an unskilful officer, that he had been guilty of treachery, that he was a betrayer of his country, that he had departed from his allegiance, and had either for a bribe, from want of skill, or from baseness, abandoned her defence and suffered victory to escape him, when it was in his reach, all the kingdom would have united in giving him due praises, in returning him loud thanks and applause for having detected a dangerous traitor, and brought him to merited and condign punishment. If such had been the case, would the vice-admiral have thought himself ill-used, had that House, or the public at large, been niggards in applause? Would not he have had a right to expect every epithet of praise, every expression that the language could convey of approbation?—Taking the matter therefore in this light, what was not to be expected, when the reverse of the picture was the true representation of what had passed? When so far from the hon. admiral near him having been convicted of neglect or ill conduct, the court-martial had pronounced most honourably in his favour, and had condemned his accuser, as a man guilty of a false and malicious accusation.

Under such a sentence, ought not the vice-admiral to feel himself happy at his hon. friend's declaration, that he meant not to attack him, but that his reproaches should be directed solely against the first lord of the Admiralty, whom he considered as the principal cause of all the mischief? Ought not the vice-admiral, instead of holding an indignant and resentful language, to feel his hon. friend's forbearance, as the greatest favour that could be done him, and to bow to it with the profoundest humility and gratitude? He said, that sir Hugh's silence immediately after the sentence of the court-martial was known, his resignation of his lieutenant-generalship of marines, his retirement from parliament at that time, and his high tone now, all reminded him of a scene between two characters in a play, which he had often laughed at, and he doubted not every gentleman present had frequently done the same. In the play (the *Old Bachelor*) he alluded to, a blustering being, (*Noll Bluff*) was kicked and disgraced at one period of the plot, which he suffered with the utmost patience, and without attempting either to defend himself or to retaliate on his assailant, but, in a subsequent scene, in which a dialogue ensues between the bully and his friend sir Joseph Wittol, the former grows angry, and says, "Death and hell, to be affronted thus! I'll die before I'll suffer it." Sir Joseph endeavours to persuade him, not to revive what had disgraced him, and what was then past remedy, and asks him, whether he was not "abused, cuffed, and kicked?" To which the bully swears, "By the immortal thunder of great guns, 'tis false," and draws his sword. Sir Joseph begs him not to be in a passion, and says, "put up, put up." The bully replies, "By heaven, 'tis not to be put up." Sir Joseph says in answer,—"*What?*" The bully replies, "*The affront.*" Sir Joseph then adds,—"*That's put up already; thy sword I mean, put up, put up thy sword.*" This scene struck him as a strong resemblance of the vice-admiral's conduct; he advised him, therefore, to put up his anger, and think himself well off to rest as he was.

Mr. *Smith* (a new member, son of sir Richard Smith) observed, that the noble lord (*North*) had chiefly confined himself to the sentence of one of the two courts-martial, and had, as it were, wholly passed by the other. The noble lord had taken great pains to dwell upon that part

of the sentence, which declared, that sir Hugh had in many instances, on the 27th of July, shewn exemplary and highly meritorious conduct, but he had chosen to drop all notice of that part of the sentence of the preceding court-martial, which declared, that the accusation against admiral Keppel was malicious and ill-founded. The one was surely as strong as the other, and ought to weigh at least as much with the House; but if the sentence passed by admiral Keppel's court-martial, was not sufficiently a proof of the vice-admiral's demerits, what inference was to be drawn from his own conduct, from his resignation of his lucrative situations of lord of the admiralty and lieutenant-general of marines, and from his withdrawing himself from public notice, by giving up his seat in parliament?

Lord *Howe* said, that he disclaimed all praise, and made no public declarations of the motives that induced him to quit his Majesty's service: and desired no persons would take the liberty of ascribing motives to him for not serving, which they could only speak to from conjecture.

Mr. *Fox* assured the governor of Greenwich Hospital, that he was not personally his enemy. He was mistaken if he thought that he could excite hatred in him, or any thing else. What he had said was directed not against him, but his patron, the first lord of the Admiralty. The hon. gentleman had complained of the liberties that had been taken with his name in his absence. He had said nothing in his absence that he had not said, and that he would not now repeat, in his presence. But that gentleman stood on particular ground, said Mr. *Fox*, when he complained of things said in his absence. For why was he absent? Why, but that he dared not to face the indignant resentment of his country? Mr. *Fox* approved of an observation of an hon. gentleman, that sir Hugh had taken notice of the favourable sentence pronounced for him, but not of that stigma which had been fixed on him by that honourable court that had acquitted admiral Keppel. If the hon. gentleman might thus select what was in his own favour, in the decisions of courts-martial, and reject what was unfavourable, he might indeed make up an argument from those detached parts in his own defence. But it was a bad one; for if he admitted the validity of the testimony of courts-martial in one instance, he ought to admit it in every instance: but if he rejected

any part of the judgment of Mr. Keppel's court-martial, he might and ought to reject the whole; and his hon. relation was not yet acquitted. He had hinted that he would bring the decision of that court under revision. He saw whereabouts he was. "We have the majority in the House of Commons on our side, and if Mr. Keppel's friends do not hold their tongues, we will overturn a certain sentence of a court-martial." With regard to a court-martial that sat on the governor of Greenwich-Hospital, Mr. *Fox* asked, whether there were not any other officers of rank to be had than those that formed that court? And whether there were not persons in that court, the choice of whom for that business, argued a diffidence in the justice of his cause? It had been said, that sir Hugh had been justified in spite of a mighty influence that had arisen in the country against him. If they who maintained this position, meant an influence arising from all that was great and good and honourable in the nation, he was ready to allow it; but it was not a ministerial influence. It was not in opposition to that, that he had been acquitted.—The noble lord had been forward to claim a share in the demerit of appointing sir Hugh to the government of Greenwich Hospital. And let him take it, said Mr. *Fox*, he is welcome to it. The noble lord, who is master of great ingenuity, affirms, that sir Hugh's court-martial recommended him to preferment. If so, why were ministry so backward to promote him? Why were they so dilatory? Why did they meanly, and in a cowardly manner, desert him, and abandon him for so long a time, to a torrent of popular abuse and obloquy? The noble lord recollects what was said about two years ago, by an hon. gentleman of illustrious talents and virtue, concerning that unfortunate man, as he was then called, the governor now of Greenwich-Hospital. That gentleman was not only for suffering him to retire in peace, and without any farther stigma, but for even allowing him an annuity for his comfortable subsistence, in consideration of former merits. That hon. gentleman, in my opinion, went too far when he made such liberal concessions; but even from that hon. gentleman's good-natured concessions, the noble lord does not reason justly; for it was never Mr. Burke's meaning that sir Hugh should receive any honorary reward, such as the government of Greenwich Hospital has

always been considered, but to make his life in some degree tolerable, by the enjoyment of an annuity or pension, or some such thing.—The noble lord says, that the government of Greenwich-Hospital is not worth more than 7 or 800*l.* a year. Admitted; but it is an honourable office, it is an office that has been held by sir George Rodney and sir Charles Hardy, and is therefore very unfit to be held by the present governor. Were it 700 or but 7*l.* value in money, still it is an honourable place. It is a place that gives high rank in the navy. Mr. Fox then adverted to lord North's reasoning on the observation he had made, that lord Howe, admiral Keppel, &c. would be justly chargeable with madness, should they again serve under the direction of the present ministry. Would it not be a great madness, says the noble lord, to employ agents who entertain such opinions of their employers, who believe them to be false and treacherous?—The noble lord does not vindicate ministry against the charge of treachery and falsehood, and his argument is this: We are false and treacherous, and we will not employ those who know us to be so. There may be ingenuity and wit in such replies, but there is little judgment. A joke is a poor consolation for the loss of so many gallant men as have been forced to quit the public service. The prime minister is contented with the praise of being able to raise a laugh.

Mr. *Pulteney* agreed in thinking ministry blameable in abandoning sir Hugh so long to a torrent of unmerited popular abuse and obloquy. They ought to have done him justice sooner, and to have restored him to all his offices. The revival of the contest was a thing extremely irksome and disagreeable. But a discussion of the matters that had been agitated that night, was to be expected some time or other. It was unavoidable; and the sooner it was over the better. He maintained, that the sentences of courts-martial, and of all courts, were subject to the revision of the nation at large; and that that was the meaning of trials being carried on, not with shut doors, but in public. Whoever read the trial of admiral Keppel, would regard the sentence pronounced by the court, not separately, and by itself, but would pay a deference to it only as far as it arose out of the evidence by which it was supported, and on which it was founded.

The Resolutions were then agreed to.

1781.

Coventry Election.] January 23, 1781. A Petition was presented by lord Beauchamp from lord Sheffield and Mr. Yeo, complaining of an undue election of members of parliament for the city of Coventry.

Lord *Beauchamp* desired to be informed of the first day when a committee could be balloted for taking the above petition into consideration, and deciding concerning its merits. The Speaker replied, the 26th of June. His lordship then moved, that this Petition be referred to a committee on the 15th of February next. He knew that the principle of Mr. Grenville's Bill was, to leave nothing, or as little as possible, to the discretion of the House, with regard to contested elections: but still in certain cases the exercise of discretion in such matters was necessary, and allowed even by that Bill, and authorised by the custom of the House. If no discretionary power was allowed to the House, what was the reason of reading petitions before a day was fixed for their consideration? It was true, that the order of their being heard, in common cases, was determined by chance; but where there were singular and extraordinary circumstances attending any election, that order had been broken through, as was evident from a precedent in 1774, in a petition from Westminster, and in the Worcester and Oakhampton petitions this very session. The petition from Coventry was an extraordinary one, and deserved extraordinary attention. It might be said, that to grant an early hearing to that petition, would break in upon the time allotted for the consideration of the other petitions; but his lordship endeavoured to obviate that objection, by saying, that from a regard to the convenience of the House, only two committees for trying elections were to be appointed in one week: but that there was no reason why they might not appoint three for one week, if they thought proper, and were willing to take the trouble of doing so. He did not imagine, that by this early appointment he injured any party.

Mr. *Frederick Montagu* said, the House must not be surprised at his being alive all over at any attempt that should be made to depart from the spirit of Mr. Grenville's Bill. The present motion he considered as inimical to that Bill, in the framing and supporting of which he had taken so considerable a share, that he could not but feel most sensibly whenever it was attack-

ed. He was not, he said, in the House, when the petitions alluded to by the noble lord were the subject of debate, and the days fixed for balloting for committees to try their merits were altered: if he had, he most certainly should have opposed such an alteration, because he felt it incumbent upon him, as one of the parents of Mr. Grenville's Act, to resist every effort to destroy the operation of that Act. The great utility of that Act had now proved itself incontrovertibly, and he trusted that the young members would pay it due attention, and think it no inconsiderable part of their duty to undergo the fatigues it imposed on them with cheerfulness, especially when they balanced against their labour the great good they thereby rendered their country. He concluded with moving, as an amendment, that the words, "15th of February," be omitted, and that the words, "26th of June," be inserted instead.

Mr. *Adam* said, that Mr. Grenville's Bill having given the House a power of altering the day of hearing any petition, it was a false argument to maintain, that to accelerate the trial of any petition, founded upon allegations of an extraordinary nature, was either to contradict the meaning of Mr. Grenville's Act, to attack it in any shape, or to impede its proper operation. He said, no man respected Mr. Grenville's Act more than he did: he had, in the commencement of the last parliament, learnt to admire its justice and its policy, by experience acquired in the course of his frequently sitting and acting under its authority upon various committees. That he was perfectly acquainted with the whole of that Act, and had it contained any enacting clause, limiting the House to a certain day for balloting for a committee to try any election, he should then have thought the present motion an attempt to fly in the face of the Act; but as there was no such clause in the Act, on the contrary, as the Act contained a clause, giving express power to the House to delay the trial of any petition at its discretion, and as the obvious aim of the Act was to accelerate justice, he could not conceive, that the present motion could, in any view of it, be construed into an opposition to Mr. Grenville's Act.

Mr. *Dunning* said, he had ever considered Mr. Grenville's Act as an instrument of great good; but though there was no clause forbidding such a motion as the present, he maintained that the spirit

of the Act was as obligatory as the letter of it; it clearly was to take the trial of elections wholly out of the House, to administer justice equally, and without partiality or distinction, through the medium of a committee, who were to judge solely from the evidence, and not from prejudice or affection.

Mr. *Macdonald* declared, that no man had a greater deference for the opinions of the learned gentleman who spoke last than he had, since from his opinions he had chiefly learnt to form his own, but that he could not help differing from his argument, and from his mode of reasoning. He agreed that an Act ought to be construed by its spirit as well as its letter, but could not agree that the letter should be disregarded altogether. He then stated that the Act gave an express power of procrastination to the House; whence he inferred, that the House had power to accelerate a ballot where the case was extraordinary. This doctrine he applied to the case in question.

Mr. *Lloyd Kenyon* said, he stood in the predicament of a member petitioned against on the heavy charge of bribery. That his moral character was bleeding afresh every hour that the trial of the petition against him was delayed; that in obedience to the regulation of the House, he had submitted, on the principle of general convenience, to the day on which the committee to try the petition against him was fixed to be balloted for; that he had as much right to acceleration and preference as another, and if another was so favoured, he should consider it as an indication that hostilities were determined against him, and as a grievous injury.

Sir *Herbert Mackworth* said, the arguments of lord Beauchamp were plausible, and had impressed his mind at first very forcibly; but on a re-consideration, he thought, as the House had determined on a particular regulation, that regulation ought to be adhered to most strictly.

Governor *Johnstone* said, the argument divided itself into two branches; the one, the question, whether the House had a power to accelerate the trial of any petition under any circumstances? The other, whether the circumstances of the Coventry petition were such as justified that sort of acceleration? He decided both these questions in the affirmative; and concluded with saying, that if the Coventry petition was not soon tried, it would be in the power of any returning officer, first by

making no return to a writ, and then by an unfair return to a second, to gain time, and seat for the first year of a parliament, any two persons he thought proper.

Mr. *T. Townshend*, after mentioning lord Beauchamp's connections with Coventry, said the present motion was an effort of power to save two favourite candidates; and there needed no stronger proof of it, than the extraordinary circumstance of ministers being present, and staying till six or seven in the evening, who had opposed Mr. Grenville's Bill, and who, whenever any question relative to the operation of that Bill was to come on, had constantly kept away from the House.

Mr. Solicitor General *Mansfield* said, that the Act gave the House in express words, in the beginning of it, a discretionary power as to the time of hearing petitions on elections. He then took a review of the allegations contained in the petition, and concluded that the Coventry election was a very extraordinary case, and therefore merited extraordinary attention.

Mr. *Fox* said, that as he had before the adjournment taken some part in the election for Coventry, he should now say something upon the motion, which he must oppose, for this reason; because he did not see any colour of necessity or justice for paying more regard to the petition that had been read that day from Mr. Yeo and lord Sheffield, than had been paid to the various other petitions, which had been presented before the holidays. His hon. friend (*Johnstone*) had argued very fairly, that the whole argument was reduceable to two points, and those were, first, whether it was right, on any account, to accelerate the trying of an election petition before others were tried, which had been previously presented; and secondly, whether the petition now before them was one of that sort which was entitled to such extraordinary acceleration? With regard to Mr. Grenville's Bill, he should only state what had always appeared to him, and had been admitted by those who thought of the Bill as he did, that the good of the Bill was, that it took the whole of the election causes out of the House, and gave every petitioner an equal chance of having substantial justice administered to him in the fullest and most impartial manner; and that it put a stop to the exertion of influence and power in favour of one set of petitioners in preference to another. If by the noble lord's influence arising from his distinguished character, from his high

office, from his great abilities, or from his interest in the borough of Coventry, he could prevail on the House to adopt a discretionary power, in order to obtain a partial exercise of it in favour of the petitioners, it certainly must appear, to the conviction of every man, that the part of the effect of Mr. Grenville's Bill, universally allowed to be the good part, was broke in upon, and violated; and that then matters would be in a train to recur to their old channel, and it would be as much in the power of the minister to become the elector, and to chuse the members of that House, as it ever had been. His hon. friend had gone into a very refined mode of argument, to prove that the returning officer of any borough might seat any two gentlemen that he chose, in that House, for one whole year; to the end of the first session, and possibly for some part of the second; and how had his hon. friend attempted to show that this was likely? Why, by stating it as a case, that a returning officer might do just exactly what had happened in the present instance, namely, make no return to the writ at first, in hopes that when a second writ issued, his successor would be weak and wicked enough to return his two friends by any means, in defiance of right, and in contempt of the House. There was something so strange in the idea of a returning officer procuring any person to be so returned, and something so weak, foolish, and absurd in any gentleman's consenting to come into that House under such circumstances, and take his seat for one year only, that he could as little conceive his hon. friend meant to put the case seriously, as he could conceive that it ever had happened, or ever would happen. With regard to his hon. friend's assertion, that a returning officer had it in his power to make an improper return, and that perhaps some would do so unless the House proceeded to give some mark of their resolution to check such attempts, undoubtedly it was the fact. It was an inconvenience that necessarily belonged to the case of an election, it was inseparable from it, and the only means of putting a stop to such an abuse of trust, was for them immediately to institute an enquiry into the conduct of every returning officer who either neglected to do his duty, or did it negligently and improperly. How happened it in the case of Coventry, that the conduct of the returning officer, who had failed to make a return to the first writ, was not immediately inquired into?

Let gentlemen remember who it was that moved for the issuing of the second writ, previous to such an inquiry's taking place! Let them recollect that he had earnestly pressed for an inquiry, and had strenuously opposed the issuing of a writ for a second election, till the inquiry was gone into and finished, in order that it might be known by the House, to whom they were to ascribe the first failure of a return of members for Coventry!—The question before the House was not whether lord Sheffield and Mr. Yeo, or sir Thomas Halifax and Mr. Rogers, should be the sitting members, but whether the House should adopt a new mode of proceeding in cases of election, and give a preference to the Coventry petition by accelerating the time of it, in prejudice to the parties concerned in every other petition? And here the argument presented itself under its two heads: was it right to accelerate the trial of any petition, and was this one of those petitions entitled to such an acceleration? With regard to the first position, possibly there might be cases in which it would be warrantable for the House to accelerate the trial of one petition before another, but surely the House ought to have proof, before they went out of the usual road of proceeding, that there was a sufficient cause for such a change of the course of justice. Did the petition that had been read, contain a single allegation of a flagrant nature, uncommon from the general tenor of other petitions presented to the House from parties claiming seats? The petition against a learned gentleman, who had with great feeling, and with great propriety complained of the injustice of resolving to ballot for a committee to try the Coventry petition, before the House went to a ballot to try the petition presented against him, stated a charge of bribery;—bribery, in order to gain a seat, was a very flagrant crime! The petition presented against an hon. friend of his, the member for Stafford, was founded on a charge of the same sort: the crime in both cases was very flagrant; and in both cases the sitting members would doubtless be exceedingly pleased to have the petition against them heard and determined upon as soon as possible. What were the species of allegations generally stated in election petitions? They were these,—that the returning officer had suffered bad votes to be sworn, and had rejected good ones: he had been bribed; the voters had been bribed; the return was unjust, or the person who had acted

as returning-officer had no such power: all these were in themselves flagrant crimes; but they were the crimes commonly alleged, and could pass for nothing, till the committee had heard evidence upon them. The learned gentleman who spoke last, said the Coventry election was an extraordinary case, but he was amazed to hear him set out with an attempt to prove, that the petition of lord Sheffield and Mr. Yeo, which contained no extraordinary allegation in itself, and respecting which, the noble lord who made the motion, had stated no one fact of an extraordinary nature to justify his motion, was more entitled to preference than the petitions respecting other boroughs. It was too evident, he said, to be contradicted, that the present attempt to accelerate the hearing of lord Sheffield and Mr. Yeo's petition, was made by a noble lord high in office, because the petitioners were favourites of the minister, and agreed with him in political opinions. It was, he declared, an effort of power to commit injustice; an effort which he trusted that House would have the virtue to resist.

Lord North said, that no insinuations of his having an improper regard to one set of men, in preference to others, should prevent him from discharging his duty as a member of that House. It had been thrown out, that lord Sheffield and Mr. Yeo were more his favourites than sir T. Halifax and Mr. Rogers; and that his presence in the House, when any matter relative to Mr. Grenville's Bill came on, was uncustomary, and therefore liable to suspicion. Gentlemen were welcome to make the most of such insinuations; but they should not intimidate him from acting as he had a right to act, nor from giving his reasons why he should vote for the motions offered to the House by his noble friend. With regard to the petitioners of Coventry, and the sitting members, they were unknown to him in the consideration which then directed his conduct; they were all worthy and respectable characters, and therefore he felt the less compunction in taking that line which justice and reason so strongly marked out. As to his being present, the House well knew that his presence was necessary for other reasons, than the subject of the motion then before them, and he believed he had less to charge himself with on the score of failure of punctual discharge of his duty by attendance, than almost any member who had sat for so many years in parlia-

ment.—The hon. gentleman who spoke last, had talked of the good of Mr. Grenville's Bill. It was well known, that he was one of the very small minority who divided against that Bill, but he appealed to the House, whether he had, from the moment that the House decided that the Bill should pass, used any indirect means to frustrate its effect, or impede its operations? He had a great respect for it; he believed it had been productive of much good, and the wise and upright conduct and determinations of those gentlemen, who had from time to time sat and acted as judges under it, was at once an incontrovertible proof of its policy and of its justice. That Bill had avowedly two great objects: the one, to assist the public business of the nation, by taking out of the House all election causes, and referring them to another judicature composed of members of parliament; the other, to prevent delay as much as possible in the decision of election claims. Both these were certainly matters ardently to be wished for, and closely to be pursued: the present case, he conceived, came directly under the second point: for what had been the feelings of gentlemen at the time, when his noble friend had moved, that a new writ be issued for Coventry? The facts then ascertained were, that there was no return made for Coventry, the sheriffs having failed to comply with the King's writ. The first consideration of that House in all periods of parliamentary history had been, that the representation of the people should be complete. In special conformity to that idea, his noble friend had moved the writ for a new election; and why had the House agreed to it? Because, the House were convinced that the sheriffs had aimed at delay, and therefore they ordered a new writ to be issued. Hence in the new writ, and not from any motives of partiality and affection, which it was neither decent nor just to allege in comment upon a proceeding of that House in its legislative capacity, it had been argued early in the debate, by a learned gentleman, that the Act, commonly called Mr. Grenville's Act, was to be construed by its spirit, and not merely by its letter. This argument was certainly fair: but would the learned gentleman contend, that the spirit was not to be abstracted from the letter, or that the express letter was to be abandoned in support of an idea of spirit, which the letter of the Act neither countenanced nor sup-

ported. The letter of Mr. Grenville's Act expressly gave the House a discretionary power of removing, altering, and postponing the day of trying any petition, as to their wisdom should seem meet. If the spirit of it were construed to imply that the House had a power of postponing the trial of an election cause, but that the House had no power of accelerating such trial, let the case be ever so extraordinary, it would surely be fair to say, that Mr. Grenville's Act was big with more evil than good; that it impeded justice; and that it rather enforced than destroyed delay, the prevention of which was one of its professed objects. The ground on which the motion struck him as highly fit for the adoption of the House, was the obvious aim at delay in the sheriffs, from the beginning to the end of the election. In the first instance, the King's writ had not been complied with, and in the second, if the allegations of the petition were true, they had used every art in their power to gain time, and make as many votes as possible, in order to bring in their own friends at any rate. The hon. gentleman had said, that the sheriffs who presided at the last election and those who made no return to the first writ, were not the same persons; the fact was true, but the hon. gentleman had forgot, that both the sheriffs who made no return, and the sheriffs who were now complained against, were equally members of the corporation of Coventry, and that the struggle evidently lay between the corporation and the independent voters, who should return the members. The hon. gentleman had said besides, that it was nothing, and that it was foolish for any gentleman to accept of a seat upon such terms, or to come into that House for one year only. Was the hon. gentleman serious? What! when he and all the public had heard it so often repeated of late, that parliaments should be annual, that it was an Englishman's birth-right, that no man should sit in parliament more than a year previous to a fresh election, was he to be told, that obtaining a seat for a year, or perhaps for a year and a half, was nothing, or that it was foolish? The hon. gentleman must have forgot himself when he dropped the expression. A learned gentleman had complained in person of the injustice which, he alleged, would be done him, by giving the Coventry petition a preference, in point of order, over that of the petition against him; and another hon. gentleman, not in

person indeed, but by his friend, had preferred a similar complaint: but would any man say, that there was no difference between the cases of Hindon and Stafford, and the case of Coventry? In the two former, the charge was a charge of bribery; a flagrant crime it was true; but what was an allegation in an election petition without proof? Would the gentlemen suffer in their moral characters on such an account? Was there a man, who heard him, who thought they would? The gentlemen might feel tender upon the subject, but every person capable of judging upon it, must know, that such charges were of no manner of consequence, when no otherwise alleged than in an election petition. With regard to sitting members and the petitioners, they were equally out of the question. They had as little to do with the matter as Mr. Grenville's Bill, under the consideration of suffering by the decision of the House. Mr. Grenville's Bill, he trusted, would have its intended effect furthered in a material instance, by an acceleration of the trial of the Coventry petition, and sir T. Halifax and Mr. Rogers, lord Sheffield, and Mr. Yeo, were not to be thought of in the debate, which went upon the general ground of endeavouring to administer substantial and speedy justice in a case artfully attempted to be unreasonably procrastinated, to the detriment of the first great object of parliament, the completion of the representation of the people. The sole consideration, therefore, upon which the question turned, was, whether there was sufficient cause for acceleration, and whether the trial of the Coventry petition could be accelerated without injury to other petitions? On both these points it appeared to him meet and expedient to agree to the motion.

Mr. Byng said, the principal aim of Mr. Grenville's Act was, that equal justice might be administered to all petitioners in cases of election. The present motion flew in the face of this object, and by a preference to one petition, did an injury to ten others, which must necessarily be delayed on that account. He said farther, that even if four committees could sit at once, there were but three committee rooms, and one was a very inconvenient apartment for the purpose; that the House well knew if the committee on the Coventry petition was balloted for on the 15th of February, the ballot for the committee to try the next to it must be

postponed, and so on with the subsequent ones; he therefore should vote for the amendment.

The question being put, that the words "15th of February," stand part of the question; the House divided:

Tellers.

YEAS	{	Lord Beauchamp	-	-	{	109
		Sir Grey Cooper	-	-		
NOES	{	Lord Mahon	-	-	{	85
		Mr. Byng	-	-		

So it was resolved in the affirmative.

*The King's Message relative to the Rupture with Holland.**] Jan. 25. Lord

* "At the commencement of hostilities between Great Britain and her colonies, Holland, in conformity with the conduct of other European powers, forbade the export of ammunition and stores for one year; but when the success of the colonists, and the declaration of independence, afforded flattering hopes of acquiring a portion of that commerce which the English had hitherto monopolized, Holland began to grasp at the advantage, and encouraged an illicit trade with America. Every motive arising from long and beneficial alliance, similarity in religion, and political interests, combined to deter Holland from a mode of conduct repugnant to the interests of Great Britain: but a faction, in the French interest, and inimical to the stadtholder, influenced all the proceedings of government. The open encouragement afforded to American privateers in the Dutch West India islands, occasioned a long correspondence, which terminated in the delivery of a spirited memorial by sir Joseph Yorke, the British ambassador at the Hague, who complained of the attentions paid by the governor of St. Eustatia to vessels under the American flag, and his refusal to redress the complaints of the council of St. Christopher's. He required a formal disavowal of the salute by fort Orange, in St. Eustatia, to a rebel ship; and the recal of the governor, Van Graaf. The states-general were charged with duplicity, and violation of treaties; and assured that unless the required satisfaction was given, the king would not be amused with mere assurances; or delay the adoption of measures due to the interests and dignity of his crown. The states-general returned an humble and complying answer, denying an intention to recognize the independence of America, and consenting to recal Van Graaf; but they complained of the harsh terms in the memorial; and, as a mark of indignation, ordered count Welderen, their envoy extraordinary in London, not to correspond on the occasion with sir Joseph Yorke, or lord Suffolk, the secretary of state, but to deliver his memorial to the king in person.

Stormont delivered the following Message from his Majesty :

"G. R.

"His Majesty has judged it proper to acquaint the House of Lords, that during the recess of parliament, he has been in-

"From this period, a sullen civility was maintained ; but in proportion as the conduct of France was more hostile, that of Holland became less ambiguous, and the trade openly maintained, in contraband articles, to the French coast, occasioned the seizure of several Dutch ships. In consequence of three angry memorials presented to the states-general by Dutch merchants, count Welderen made complaints to the British court, not only of interruptions of commerce in the European, but in the American seas. The answer of the secretary of state set forth, in mild language, the unprovoked aggression of France ; from the suddenness of the event, and the necessity of restraining the exertions of that crafty power, too great rigour might have been undesignedly exercised in arresting neutral vessels ; but if any cargoes, not contraband, had been seized by his Majesty's cruisers, ample indemnification should be made.

"Sir Joseph Yorke had resided in Holland 27 years, was thoroughly acquainted with the state and temper of parties, and knew the preponderance of French interest, and the fatal supineness of the stadtholder. He vindicated, in an able memorial, the conduct of Great Britain ; and while he displayed the moderation of the king in not plunging Holland into a war, by demanding the succours stipulated in the treaties of 1678, and 1716, proposed to discuss the grievances in a conference, prefacing the offer with an assurance that the prevention of contraband trade should in the mean time be subject to no interpretation unwarranted by the rules of equity, and the practice of perfect generosity.

"This proposal occasioned violent exertions among the French party ; the duke de Vau-guyon, ambassador from the court of Versailles, endeavoured to pique the pride and interest of the Dutch, by demanding a clear and explicit determination to accept or renounce the advantages of commerce proffered by a decree of the French council of state, allowing the traffic in naval stores during the war. The proposition was not, however, accepted ; and the French court repealed the permission given to Holland of trading with them duty-free, admitting to the exclusive enjoyment of this privilege, Amsterdam alone, "in consideration of the patriotic exertions made by that city, to persuade the republic to procure from the court of London, the security of that unlimited commerce which belonged to the Dutch flag." [This favour was afterwards extended to Haerlem, and subsequently to the whole province of Holland.] Sir Joseph Yorke did not fail to repel the calumnies advanced

dispensably obliged to direct letters of marque and general reprisals to be issued against the States General of the United Provinces, and their subjects.

"The causes and motives of his Majesty's conduct on this occasion are set

in these papers ; he exposed the dictatorial tone assumed by France, in prescribing a mode of conduct to be maintained by the states-general toward England, and animadverted with proper severity, on the attempt to make distinctions between the different members of the same republic, so repugnant to the union and independence of the states-general.

"The arts and influence of France were, however, more effectual than the remonstrances of England ; and when Spain was added to the hostile combination, the striking partiality of Holland toward the enemies of Great Britain, rendered more decisive explanations indispensable. Sir Joseph Yorke therefore, in pursuance of instructions from England, demanded from the states-general the succours stipulated in the several treaties, of which the *casus fœderis* was fully explained in the separate article of 1716. This memorial descanted on the unjust proceedings of France and Spain, and their threats of invasion, and declared, that the moment was arrived to decide whether Great Britain, who had spilt so much blood, and expended so much treasure to succour others, and maintain liberty and religion, was to be abandoned by her most ancient friends and allies, and left unprotected, except by her own courage and internal strength, to contend against the ambitious House of Bourbon, who endeavoured to crush all for the purpose of reigning over all. The states were reminded of a truth which they appeared too fatally to have forgotten, that their history contained little more than a detail of dangers successively created by the ambition of France ; and that their best days began with their union with England.

"While the government of Holland evaded giving a definitive answer to this demand, the advocates of the British and French connections maintained a strenuous paper war. The people, in spite of the allurements with which France endeavoured to bias their judgment, did not relinquish their partiality for the English alliance, and the stadtholder was firmly attached to the same cause ; but an active and resolute party, who possessed the greatest share of influence and power, were zealous adherents of France, and displayed a proportionate rancour against Great Britain. The increasing strength of the hostile confederacy, and the insults offered to the British coast during the summer of 1779, gave additional spirits to the French faction, and encouraged them to represent sir Joseph Yorke's demand as an indication of national weakness and despondency.

[S Q]

forth in his public declaration, which he has ordered to be laid before the House.

“ His Majesty has, with the utmost reluctance, been induced to take any hostile measures against a state, whose alliance

“ At this juncture, a fresh cause of dispute arose, in consequence of the reception afforded to Paul Jones and his prizes in the harbours of the republic. Sir Joseph Yorke demanded the detention of the ships and crews; as Paul Jones, though a pretended American, was a native of Scotland, a pirate, rebel, and state criminal. The states general refused compliance, alleging their constant maxim not to decide on the legality of captures by the vessels of any other country; they only opened their ports to afford shelter from storms or disasters, but would compel them to put to sea again, without unloading or disposing of their cargoes. In vain sir Joseph Yorke, in a new memorial, appealed to the rules of equity, and the express stipulations of treaties; the Dutch government remained inflexible, and returned only a short answer reiterating their former opinions.

“ Great Britain, on the faith and fair construction of treaties, had a right, in case of war with the House of Bourbon, to call on the Dutch as allies for active aid; every demand of that kind was obstinately resisted; neutrality was the utmost extent of their profession, and even that was attended with indications of partiality almost amounting to hostility. Yet the government of Holland claimed, and were allowed, all the advantages arising from treaties of alliance, and expected protection in a commerce calculated to raise the naval power of the enemy, and depress the interest of this country. To terminate this disgraceful state of suspense between alliance and hostility, the British ambassador again pressed for the succours stipulated by treaties. The Dutch not only refused the demand; but renewing their complaints on the interruption of trade, announced their intention of appointing a convoy with their next fleet to the coast of France. The English ministry, having ineffectually remonstrated against this unfriendly resolution, encountered its effects with becoming vigour and spirit. A fleet bound for the Mediterranean, under the convoy of count Byland, was met by a British squadron under commodore Fielding: the Dutch fired on the boats preparing to search their vessels; and their admiral answered a shot a-head from the British commodore by a broadside. This act of hostility being returned, Byland struck his colours; the greater part of the convoy escaped, but the few which were captured, afforded sufficient proof of the contraband commerce to which the Dutch thus gave countenance and protection. Count Byland accepted permission to hoist his colours; but refusing to return to his own coast, accompanied the British commander to Spit-head.

with his kingdoms stood not only on the faith of ancient treaties, but on the soundest principles of good policy. He has used every endeavour to prevail on the States General to return to a line of

“ The event furnished, in course, grounds for numerous complaints; but the British cabinet justified their proceeding, and lord Stormont strenuously remonstrated with count Welderen on the tameness with which his government permitted all the regards due to ancient amity with England to be sacrificed to the cupidity of individuals, or the pitiful artifices of cabal and intrigue. As the most friendly method of disclosing the sentiments of the British court, the secretary of state announced, by a *declaration verbale*, that if the Dutch persisted not only in refusing the aids stipulated by treaties, but in assisting the enemy with naval stores, they could no longer be allowed the benefits of an alliance which they deserted by changing it into a neutrality, and that too in the midst of a war maintained by the House of Bourbon, for the destruction of Great Britain, which could never be effected without producing the ruin of the republic.

“ After allowing nearly two months for the discussion of this official declaration, sir Joseph Yorke again addressed a memorial to the states-general, recapitulating all the facts he had formerly urged, complaining of the hostile conduct of count Byland toward the boats of his Majesty's fleet, and of their injustice in prohibiting the export of provisions for the use of the garrison of Gibraltar, while they were so eager and vindictive in conveying ammunition and stores to Spain, which had disturbed their trade in a wanton and unprecedented manner. If the Dutch, by their own act, ceased to be allies, they could have no connection with England but such as subsisted between neutral powers in a state of amity; all treaties were reciprocal, and therefore, unless the Dutch, within three weeks, gave a satisfactory answer to the demand of succours made eight months before, their conduct would be considered as a breach of alliance, the effect of treaties suspended, and the same system observed toward them, as toward other neutral and unprivileged states. To this declaration, an evasive provisional answer was given, importing, that it was impossible to consult the several states of the republic, so as to procure an answer in three weeks. But procrastination was now no longer allowed: the court of Great Britain, at the expiration of the appointed term, declared the provisional suspension of all particular stipulations respecting the freedom of navigation and commerce in time of war, particularly those contained in the marine treaty of 1674.

“ The unfriendly conduct of Holland toward England was stimulated by the preponderance

conduct conformable to those principles, to the tenor of their engagements, and to the common and natural interests of both nations; and has left nothing untried to prevent, if possible, the present rupture.

"His Majesty is fully persuaded that

the justice and necessity of the measures he has taken will be acknowledged by all the world. Relying therefore on the protection of Divine Providence, and the zealous and affectionate support of his people, his Majesty has the firmest confi-

of a Gallic faction in government, and a misjudging avarice, grasping at a portion of American commerce; and was encouraged by a most extraordinary confederacy formed at this period in the north of Europe, and since known by the name of the Armed Neutrality. This compact originated in the intrigues of France, and the desire of that government to embroil Great Britain with new enemies, and distract her proceedings by uncertainty of rights, and the discussion of captious and unusual claims. Influenced by French counsels, the Spaniards, under pretence of blockading Gibraltar, had refused to admit into the Mediterranean some Russian vessels; the empress indignantly meditated measures of security against the repetition of such an outrage, when the king of Prussia, apprized of her sentiments, through the medium of count Panin, her minister for foreign affairs, used every effort to direct them against the interests of England. The views of Frederick were seconded by Panin, who equally hated Great Britain: and Frederick had long been assiduously and successfully cultivating an interest at the court of Petersburg. Catherine 2 always professed, and most probably felt, a sincere friendship for the British monarch, and sir James Harris, the English ambassador at her court, maintained the interests of his country with the utmost diligence, zeal, and intelligence. No cause of complaint existed between the two crowns; the empress appeared not insensible to the advantages she had derived from the British alliance, and had, from the beginning of the American contest, promised assistance at different epochs, though she always evaded the accomplishment of her engagements. Her resentment against Spain furnished Prussia with a pretext for inculcating new maxims of maritime regulation, unknown to the law of nations, and though general in their verbal construction, obviously prejudicial to Great Britain alone. The empress, from a love of ostentation and paradox, gave attention to the new system, and soon directed all her efforts to its establishment. While armaments in several of her ports, and a mysterious alacrity among her ministers, indicated the formation of some extensive project; she announced the completion of her system, by a declaration to the courts of London, Versailles, and Madrid, in which she concluded a series of professions and complaints, by stating four propositions founded on the primitive rights of nations, which every people might reclaim, and which the belligerent powers could not invalidate, without violating the laws of neutrality. It was affirmed, in three of the

articles, that goods in free bottoms must be free, and exempt from search; and another limited the characteristics of a blockaded port, by so strict a definition, that a blockade was rendered almost impossible. These principles were announced as a rule for proceedings and judgments on the legality of prizes; and the empress proclaimed her determination to support them with her whole maritime force.

"All the enemies of England received this declaration with enthusiastic applause. The neutral powers extolled its wisdom, justice, and magnanimity. Sweden alone, under the influence of France, requested from the court of Petersburg some explanation of its tendency, which were calculated to render the terms additionally hostile. Spain was the first of the belligerent powers which notified accession to the principles of this unprecedented state paper. France warmly commended the new system, declaring its principles to be substantially those which Louis 16 had made war for the purpose of maintaining. Great Britain alone returned a civil but somewhat sullen answer, vindicating her own conduct during the war, and declaring the readiness of her courts of admiralty to render perfect justice in every case of complaint.

"Such a war as that wherein Great Britain was engaged must be carried on with manifest disadvantage, if she was prevented from depriving the enemy of those succours on which the success of their naval operations so materially depended. Sir James Harris used every exertion in remonstrating with the empress against the new rules of maritime law; but though he succeeded in convincing her that she had been duped by France and Prussia into the adoption of a measure, which, under the pretence of neutrality, was hostile to England, he could not induce her to recede. She alleged her promises publicly given for its support, and was beside flattered with the expectation of permanent glory, as the author of a new clause in the code of universal jurisprudence.

"Denmark and Sweden having acceded to the new system, which accorded with their scheme of commerce, the king of Prussia used every artifice to inflame the empress, and excite her to more resolute efforts. He caused incessant representations to be made against the violation of the laws of neutrality in the capture of count Byland's fleet, and vainly endeavoured to engage Catherine to guarantee by treaty the possessions of Holland, in every part of the globe, as a mean of protecting the Dutch against the consequences to be apprehended from the growing differences with

dence, that by a vigorous exertion of the spirit and resources of the nation, he shall be able to maintain the honour and dignity of his crown, and the rights and interests of his people, against all his enemies, and to bring them to listen to equitable terms of peace."

Papers relating to the Rupture with Holland.] His lordship likewise, by his

England. Although foiled in this attempt, he commenced an insidious negotiation to be included in the armed neutrality, hoping eventually to find some pretence for a complaint against England, and involve all Europe in a general flame. This proposition was for some time eluded, but Frederick ultimately found means to be included in the league. His influence at the court of Petersburg had, however, in the mean time greatly declined. The empress was dazzled by his exalted reputation, cajoled by his flatteries, and had been in some measure benefited by his intrigues; but his personal influence was now dangerously rivalled by the emperor of Germany, for whom Catherine daily professed an increasing esteem. These two great potentates, early in the year, had an interview at Mohilow, on the frontiers of Poland; a discussion of their mutual interests produced mutual confidence and esteem; and an important secret treaty was concluded between them. As the views of Prussia manifestly tended to the advantage of France, and prejudice of Austria, every circumstance favourable to the emperor was proportionately injurious to the Prussian monarch. His intrigues were now disregarded; and his agent Panin ineffectually endeavoured to instil into the mind of Catherine projects favourable to his views. The prince royal of Prussia (afterward Frederick William 2) soon after the meeting at Mohilow, was sent to Petersburg for the purpose of effacing the impression made by the emperor of Germany. France contributed to the magnificence of his establishment by a loan of 400,000 crowns; but his reception was so cold, that he returned to Berlin disappointed, dissatisfied, and disgusted; public civilities, and ostentatious entertainments, made no compensation for his failure in the principal objects of his journey, the establishment of a high political character, and revival of an advantageous ascendancy.

"Meanwhile the state of sullen dissatisfaction which occasioned the abolition of the ancient connection between Great Britain and Holland, resolved itself into active hostility; the mystery which had covered the views and conduct of the Dutch was dispelled by accident; and the court of Great Britain was impelled to a firm and decisive mode of conduct, as well in resentment of past treachery, as with a view to counteract the effects of the neutral league. The Vestal frigate, com-

Majesty's command, laid before the House the following papers:

No. 1. MANIFESTO, dated St. James's, Dec. 20, 1780.

G. R.

Through the whole course of our reign, our conduct towards the States General of the United Provinces, has been that of a sincere friend and faithful ally. Had

manded by captain Keppel, took near the banks of Newfoundland a congress packet. The papers were thrown overboard; but, by the intrepidity of an English sailor, recovered with little damage. They fully proved the perfidy of the Dutch, who before the existence of any dispute with Great Britain had entered into a formal treaty of amity and commerce with the revolted colonies, fully recognizing their independence, and containing many stipulations highly injurious to England, and beneficial to her enemies both in Europe and America. Disagreements on some of the arrangements had occasioned delays in its completion, but Henry Laurens, late president of the congress, who was one of the passengers in the captured vessel, was authorized to negotiate definitively, and entertained no doubt of success. On his arrival in London, Mr. Laurens was examined before the privy council, and on his refusal to answer interrogatories, committed to the Tower.

"The first discovery of this transaction occasioned a great sensation in Holland, where the people perceived, with surprise and indignation, that they were delivered, by factious agents, into the hands of France, and involved in a secret treaty for espousing an uncertain cause, at the expence of inevitable hostility with an old ally. These sentiments would have been highly favourable to the stadtholder, had he not negligently suffered the opportunity to pass; but the opposing faction boldly avowing their agency, and making their utmost exertions to gain partisans, reaped the advantages of a decisive conduct, and secured a protection against the consequences of investigation.

"Sir Joseph Yorke presented a memorial, complaining of the hostile treaty, demanding from the states prompt satisfaction, a disavowal of conduct so irregular and repugnant to the most sacred engagements, and the constitution of Batavia; and the exemplary punishment of Van Berkel and his accomplices, as disturbers of the public peace, and violators of the law of nations. This memorial producing no effect, the British ambassador presented another in terms still more cogent and definitive, announcing that a denial of justice, or evasion of the demand by silence, would be followed by hostile extremities. This remonstrance also failing, a royal manifesto was issued, declaring hostilities against Holland, and explaining, in clear and satisfactory terms,

they adhered to those wise principles which used to govern the Republic, they must have shewn themselves equally solicitous to maintain the friendship which has so long subsisted between the two nations, and which is essential to the interest of both: but from the prevalence of a faction devoted to France, and following the dictates of that court, a very different policy has prevailed. The return made to our friendship for some time past, has been an open contempt of the most solemn engagements, and a repeated violation of public faith.

On the commencement of the defensive war, in which we found ourselves engaged by the aggression of France, we shewed a tender regard for the interests of the States General, and a desire of securing to their subjects every advantage of trade, consistent with the great and just principle of our own defence: our ambassador was instructed to offer a friendly negotiation, to obviate every thing that might lead to disagreeable discussion; and to this offer, solemnly made by him to the States General the 2d of November 1778, no attention was paid.

After the number of our enemies increased, by the aggression of Spain, equally unprovoked with that of France, we found it necessary to call upon the States General for the performance of their engagements. The fifth article of the perpetual defensive alliance between our crown and the States General, con-

the king's motives; count Welderen was ordered to withdraw from the English court, and some papers which, just before his departure, he attempted to deliver, were refused by the secretary of state, because the accustomed relation between the two countries had ceased, and with it the official and the accredited character of the ambassador."—The above very able summary of the origin and progress of the dispute between Great Britain and Holland, is taken from Adolphus's *History of England*, vol. 3, p. 294. "On this subject," says Mr. Adolphus, "I have consulted the state papers, printed in the periodical works of the time, and collected in an 8vo vol. published by Hatchard, 1801; *The Life of Catherine 2*; *Eton's Survey of the Turkish Empire*, ch. 10; *Lord Liverpool's Discourse on the Conduct of the Government of Great Britain in respect to Neutral Nations*, ed. 1801, with a new preface; the *Letters of Sulpicius on the Northern Confederacy*; and an ample official Correspondence on all the political transactions. I have also been favoured with much private information."

cluded at Westminster the 3d of March 1678, besides the general engagement for succours, expressly stipulates, "That that party of the two allies that is not attacked, shall be obliged to break with the aggressor in two months after the party attacked shall require it;" yet two years have passed without the least assistance given to us, without a single syllable in answer to our repeated demands.

So totally regardless have the states been of their treaties with us, that they readily promised our enemies to observe a neutrality, in direct contradiction to those engagements; and whilst they have withheld from us the succours they were bound to furnish, every secret assistance has been given the enemy; and inland duties have been taken off, for the sole purpose of facilitating the carriage of naval stores to France.

In direct and open violation of treaty, they suffered an American pirate to remain several weeks in one of their ports; and even permitted a part of his crew to mount guard in a fort in the Texel.

In the East Indies, the subjects of the States General, in concert with France, have endeavoured to raise up enemies against us.

In the West Indies, particularly at St. Eustatius, every protection and assistance has been given to our rebellious subjects. Their privateers are openly received in the Dutch harbours; allowed to refit there, supplied with arms and ammunition, their crews recruited, their prizes brought in and sold; and all this in direct violation of as clear and solemn stipulations as can be made.

This conduct, so inconsistent with all good faith, so repugnant to the sense of the wisest part of the Dutch nation, is chiefly to be ascribed to the prevalence of the leading magistrates of Amsterdam, whose secret correspondence with our rebellious subjects, was suspected, long before it was made known by the fortunate discovery of a treaty: the first article of which is, "There shall be a firm, inviolable, and universal peace and sincere friendship between their high mightinesses, the estates of the seven United Provinces of Holland, and the United States of North America, and the subjects and people of the said parties, and between the countries, islands, cities, and towns, situated under the jurisdiction of the said United States of Holland and the said United States of America, and the people

and inhabitants thereof of every degree, without exception of persons or places."

This treaty was signed in September 1778, by the express order of the pensionary of Amsterdam, and other principal magistrates of that city.—They now not only avow the whole transaction, but glory in it, and expressly say, even to the States General, that what they did "was what their indispensable duty required."

In the mean time, the States General declined to give any answer to the memorial presented by our ambassador; and this refusal was aggravated by their proceeding upon other business, nay, upon the consideration of this very subject to internal purposes; and while they found it impossible to approve the conduct of their subjects, they still industriously avoided to give us the satisfaction so manifestly due.

We had every right to expect, that such a discovery would have roused them to a just indignation at the insult offered to us, and to themselves; and that they would have been eager to give us full and ample satisfaction for the offence, and to inflict the severest punishment upon the offenders. The urgency of the business made an instant answer essential to the honour and safety of this country. The demand was accordingly pressed by our ambassador in repeated conferences with the ministers, and in a second memorial: it was pressed with all the earnestness which could proceed from our ancient friendship, and the sense of recent injuries; and the answer now given to a memorial on such a subject, delivered above five weeks ago, is, "That the states have taken it *ad referendum*." Such an answer upon such an occasion could only be dictated by the fixt purpose of hostility, meditated and already resolved by the states, induced by the offensive councils of Amsterdam, thus to countenance the hostile aggression which the magistrates of that city have made in the name of the Republic.

There is an end of the faith of all treaties with them, if Amsterdam may usurp the sovereign power, may violate those treaties with impunity, by pledging the states to engagements directly contrary, and leaguering the Republic with the rebels of a sovereign to whom she is bound by the closest ties. An infraction of the law of nations, by the meanest member of any country, gives the injured state a right to demand satisfaction and punishment: how

much more so, when the injury complained of is a flagrant violation of public faith, committed by leading and predominant members in the state? Since then the satisfaction we have demanded, is not given, we must, though most reluctantly, do ourselves that justice which we cannot otherwise obtain: we must consider the States General as parties in the injury, which they will not repair, as sharers in the aggression which they refuse to punish, and must act accordingly. We have therefore ordered our ambassador to withdraw from the Hague, and shall immediately pursue such vigorous measures, as the occasion fully justifies, and our dignity, and the essential interests of our people require. From a regard to the Dutch nation at large, we wish it were possible to direct those measures wholly against Amsterdam; but this cannot be, unless the States General will immediately declare, that Amsterdam shall, upon this occasion, receive no assistance from them, but be left to abide the consequences of its aggression.

Whilst Amsterdam is suffered to prevail in the general councils, and is backed by the strength of the state, it is impossible to resist the aggression of so considerable a part, without contending with the whole. But we are too sensible of the common interests of both countries, not to remember in the midst of such a contest, that the only point to be aimed at by us, is to raise a disposition in the councils of the republic to return to our ancient union, by giving us that satisfaction for the past, and security for the future, which we shall be as ready to receive as they can be to offer; and to the attainment of which, we shall direct all our operations: we mean only to provide for our own security, by defeating the dangerous designs that have been formed against us. We shall ever be disposed to return to friendship with the States General, when they sincerely revert to that system which the wisdom of their ancestors formed, and which has now been subverted by a powerful faction, conspiring with France against the true interests of the Republic, no less than against those of Great Britain.

No. 2. The PRECIS of what Sir Joseph Yorke said to the Deputies of the States General, the 2nd November 1778.

Their high mightinesses will have seen, by the answer of his excellency the earl of Suffolk, one of his Majesty's principal

secretaries of state, transmitted to count Welderen the 19th of last month, the most convincing proofs of the King's friendship towards them. After a faithful exposition of the hostile and unheard of conduct of the most Christian king, the answer explains the causes of the seeming irregularity in the conduct of England with regard to the vessels of neutral powers bound to the ports of France, occasioned by the necessity of self-defence against an enemy who has always acted by surprise.

The King's moderation and equity would not permit him to let the subjects of their high mightinesses suffer, from the instant it was possible to prevent it. It is for this reason that the King has declared his intentions to order the Dutch vessels to be released, under the most friendly and most favourable conditions that the circumstance of his Majesty's situation would permit.

The war however still continues, and the enemy is as active as possible in the vigorous prosecution of it, which obliges his Majesty to take his precautions against their dangerous designs. Nevertheless, in order to involve his good neighbours and allies as little as possible, and notwithstanding the threats of France to invade his Majesty's dominions and territories, and their having for that purpose assembled numerous armies on their coasts, the King still forbears to claim those succours from their high mightinesses, which the clearest and most solemn treaties, particularly the treaty of 1678, and the separate article of that of 1716, would oblige them to grant upon his requisition. His Majesty confines himself for the present to an exposition of the state of affairs, the motives of his conduct, and the necessity he is under to attend to his own defence, and to the preservation of his kingdoms. It is in this view alone that his Majesty has ordered me to propose to their high mightinesses, to confer with his ambassador upon the means of regulating amicably what it would be proper to do for the future in regard to those articles, which, without giving himself up to the discretion of his enemy, it would be impossible to suffer them quietly to receive.

It cannot have escaped the penetration of their high mightinesses, that the earl of Suffolk, in explaining to count Welderen the King's sentiments, gives them clearly to understand, that his sincere desire is to respect the treaties in as far as they do not

tend directly to expose him to imminent danger. That it is by no means his intention or desire to disturb the usual commerce of Holland with France, excepting only in the articles of military and naval stores, and this even with the utmost equity, and I may venture to say, with every possible degree of generosity.

I have therefore taken, in conformity of my orders, the liberty to solicit this conference, to ask you if, in consequence of the answer communicated by count Welderen, their high mightinesses are come to any resolution to open conferences with me; to declare to you that I am ready on my part; and to beg you to assure their high mightinesses, that, authorized by the King's sentiments, and disposed by a residence of twenty-seven years amongst you, their high mightinesses will find in me every facility and every possible attention; and I flatter myself, that I shall be able to convince them hereafter, that whatever turn is affected to be given to the conduct of my court, that conduct is founded in justice, moderation, and the necessity of our situation.

In expectation of the decision of their high mightinesses on what I have laid before you, I dare flatter myself, that their known equity, and their friendship for the King, of which they have recently given by their envoy at his court fresh assurances, will engage them not to authorise their subjects to transport under convoy to France, naval stores, which are the most dangerous object to the security of Great Britain. At the Hague, this 2d of November 1778. JOSEPH YORKE.

No. 3. MEMORIAL, presented by Sir Joseph Yorke to the States General, the 22d July 1779.

High and Mighty Lords,

Ever since France, by her Declaration, made at London the 13th of March of last year, has completely disclosed her vast and dangerous designs, which the Family Compact had already announced, Europe has been witness of the wise and moderate conduct of the King of Great Britain, who has endeavoured to keep off the calamities of war, avoiding as much as possible to involve in it his neighbours and allies.

Such a conduct, founded upon the most manifest moderation, seems to have emboldened the cabinet of Versailles to that degree, that after having perfidiously encouraged rebellious subjects under the

deceitful mask of liberty of commerce and independence, to plunge the dagger into the heart of their mother country, not contented with so hostile a proceeding, France, after having drawn Spain into her views without any national quarrel, and without being even able to alledge any plausible motive to colour her conduct, has been now manifesting more and more her dangerous projects against Great Britain itself, and announcing, with all the imperious parade of her known ambition, an invasion of the British islands.

Upon the news of these extraordinary and multiplied preparations, your high mightinesses will have already justified the pressing and reiterated instances which the King of Great Britain could not but make to you upon the subject of naval stores, and the notorious danger of England will fully justify your high mightinesses towards that part of your subjects who reclaim against all restriction, though friendship and justice plead equally in favour of the demand made by my court.

But these means, which are at bottom only palliatives to prevent a future evil, are no longer seasonable, the danger is become pressing; the remedy must be speedy. The stipulations of a treaty, founded upon the interest of commerce only, must give way to those founded upon the dearest interests of both nations. The moment is come which is to decide, Whether Great Britain, which has spilt so much blood, and expended so much treasure, to assist others, and to maintain liberty and religion, shall have no other resource against the envy and malice of her enemies, than her own courage and her own strength; whether she shall see herself abandoned by her most ancient friends and allies to the ambitious views of the House of Bourbon, who would crush all to reign over all; and whether Europe in general, and your high mightinesses in particular, shall see with indifference, a system established that would evidently destroy that balance which can alone secure your commerce, your liberty, and even your existence.

The King, high and mighty lords, has too great an opinion of the penetration, the good faith, and the wisdom of the Republic, to doubt an instant the sentiments of your high mightinesses upon such an occasion. A nation whose annals are almost wholly filled with the recital of the dangers that the ambition of France has successively created; whose best days have

been marked by her most intimate union with England; a nation, in a word, accustomed to exact a liberal and rigorous execution of an onerous treaty, has too much generosity not to fulfil those treaties which have united the interests of the two nations for upwards of a century.

It is in this persuasion, joined to every thing that is held most sacred amongst men, that the underwritten ambassador extraordinary and plenipotentiary of the king of Great Britain, has, by express order, the honour to notify to your high mightinesses, that the danger which threatens his Majesty's dominions, lays the King under the necessity of reclaiming, without loss of time, the succours stipulated by the treaties of 1678, and others; the *casus fœderis* of which is so clearly explained in the separate article of that of 1716. His Majesty expects them with the confidence of a neighbour who has never failed in his engagements; and for the rest, confides in the Divine blessing upon the justice of his cause, and in the fidelity and valour of his subjects.

The under-written will wait with the utmost impatience for a precise, speedy, and favourable resolution; and is ready to confer with the deputies of your high mightinesses, upon the further measures to be taken. Done at the Hague, the 22d of July 1779. JOSEPH YORKE.

No. 4. MEMORIAL presented by Sir Joseph Yorke to the States General, the 26th November 1779.

High and Mighty Lords,

The King cannot see without surprise, the silence which has been observed towards him, upon the Memorial, which by order of his Majesty the under-written had the honour to present to your high mightinesses more than four months ago, to demand the succours stipulated by treaties.

His Majesty would not have called for the assistance of his allies, if he had not been fully authorised thereto by the threats, the preparations, and even the attacks of his enemies; and if he had not thought your high mightinesses as much interested in the safety of Great Britain as in your own preservation.

The spirit and the letter of the treaties equally bear testimony to this truth: your high mightinesses are too wise and too just to elude the observance of them, especially after having yourselves solicited the addition of the separate article of 1716,

in which the *casus foederis* is stipulated in a clear and incontestible manner.

The hostile Declaration made at London by the marquis of Noailles, the attack of the island of Jersey, the siege of Gibraltar, and all the other equally notorious enterprises, are so many proofs of open and direct aggression. Besides, your high mightinesses have seen, during the last summer, the combined forces of the House of Bourbon, evidently directed to the attack of his Majesty's kingdoms, and although the King's vigorous measures, the zeal and patriotic efforts of the English nation, accompanied by the Divine blessing, have happily averted hitherto these ambitious designs; yet the danger still exists, and our enemies continue to announce, with the same parade and confidence, formidable descents and invasions, under the protection of their whole naval force.

The King can never imagine, that the wisdom of your high mightinesses can suffer you to be indifferent, when such solid interests, and common to both countries, are at stake; and still less can the King imagine, that you are not convinced of the justice of the motives which have determined his Majesty to claim the succours that are due on so many accounts. His Majesty inclines to believe, that your high mightinesses having come to a resolution to augment your navy, had from prudence delayed your answer till you were in a fitter situation to furnish the succours required.

It is for this reason, that I have orders, in renewing the strongest instances upon this subject, to demand of your high mightinesses, in the most friendly manner, not to defer the concerting the means of fulfilling your engagements in this respect. The decision of your high mightinesses is so necessary and so important in its consequences, that the King would think he was wanting to himself, to his subjects, and to those of the Republic, if his Majesty did not seriously recommend this affair to the full but speedy deliberation of your high mightinesses. It is of infinite import to the King, that he should be clearly informed upon so essential an object, by a precise and immediate answer.

His Majesty hopes, from the equity of your high mightinesses, that your answer will be conformable to treaties, and to the sentiments of friendship which he has always entertained towards the Republic; and it will be according to the resolution

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of your high mightinesses, that his Majesty will take such further measures as he shall judge to be best adapted to the circumstances and most fitting for the security of his state, the welfare of his people, and the dignity of his crown. Done at the Hague, 26th Nov. 1779.

JOSEPH YORKE.

No. 5. DECLARATION presented by sir Joseph Yorke to the States General, 10th November 1780.

High and Mighty Lords,

The King my master has, through the whole course of his reign, shewn the sincerest desire of maintaining the union that has subsisted above a century between his crown and the Republic. This union rests upon the firm basis of reciprocal interests, and as it has greatly contributed to the happiness of both nations, the natural enemy of both employs every political engine to destroy it. For some time past this enemy has laboured with too much success, being supported by a faction that endeavours to govern the Republic; and that is always ready to sacrifice the general interests to private views. The King has seen, with equal surprize and concern, the little effect of the reiterated demands of the succours stipulated by treaties, and of the representation of his ambassador, upon daily infractions of the most solemn engagements.

The King's moderation has led him to attribute this conduct of your high mightinesses to the intrigues of a leading cabal, and his Majesty will still believe that your justice and wisdom will determine you to fulfil your engagements with him, and to prove, by your whole conduct, your resolution to give vigour to the system formed by the wisdom of your ancestors, the only one by which the safety and glory of your Republic can be secured.

The answer of your high mightinesses to this Declaration, which the under-written makes by order of his court, will be the touchstone of your intentions and sentiments towards his Majesty.

The King has long had numberless indications of the dangerous designs of an unbridled faction; but the papers of Mr. Laurens, who stiled himself president of the pretended congress, furnish the discovery of a plot without example in the annals of the Republic. It is proved, by those papers, that the regency of Amsterdam had carried on a secret correspondence with the American rebels, so early

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as the month of August 1778; and that there were instructions and full powers, signed by their order, relative to the conclusion of an indissoluble treaty of friendship with the rebels of a sovereign to whom the Republic is bound by the closest ties. The authors of this plot do not pretend to deny it; on the contrary, they avow and justify it.

It is under these circumstances, that his Majesty, relying on the equity of your high mightinesses, demands a formal disavowal of so irregular a conduct, not less contrary to your most sacred engagements than to the fundamental laws of the constitution of the Republic.

The King equally requires a speedy satisfaction, adequate to the offence, and an exemplary punishment of the pensionary Van Berkel, and his accomplices, as disturbers of the public peace, and violaters of the law of nations.

His Majesty is persuaded, that the answer of your high mightinesses will be speedy and satisfactory in every respect; but if the contrary should happen, if your high mightinesses should refuse so just a demand, or should endeavour to elude it by silence, which will be considered as a refusal, then the King cannot but look upon the Republic herself, as approving those flagrant insults, which she refuses to disavow and punish; and after such a conduct, his Majesty will find himself under the necessity of taking those measures which his dignity, and the essential interests of his people, require. Done at the Hague, the 10th Nov. 1780.

JOSEPH YORKE.

No. 6. MEMORIAL presented by Sir Joseph Yorke to the States General, Dec. 12th, 1780.

High and Mighty Lords;

The uniform conduct of the King towards the Republic, the friendship which has so long subsisted between the two nations, the rights of sovereigns, and the faith of the most solemn engagements, will no doubt decide the answer of your high mightinesses to the memorial which the under-written presented some time ago, by the express order of his court. It would be injurious to the wisdom and justice of your high mightinesses, to suppose that you can hesitate a moment to give the satisfaction demanded by his Majesty. As the resolutions of your high mightinesses of the 27th of November, were the result of a deliberation which related only

to your own interior government; and as an answer to the above mentioned Memorial was not then under consideration, the only remark to be made on those Resolutions, is, That the principles which dictated them evidently prove the justice of the demand his Majesty has made. In deliberating upon this Memorial, to which the under-written requires here, in the name of his court, an immediate and satisfactory answer in all respects, your high mightinesses will no doubt remember, that the affair is of the last importance; that the object is no less than a complaint brought by an injured sovereign; that the offence, of which he demands exemplary punishment and complete satisfaction, is a violation of the constitution of the Republic, of which the King is guarantee, an infraction of public faith, a flagrant insult offered to the dignity of his crown. The King never imagined that your high mightinesses had approved the treaty with his rebellious subjects; that would have been on your part an hostile attack, a declaration of war; but the offence was committed by the magistrates of a city that forms a considerable part of the state; and it belongs to the sovereign power to punish that offence, and to make reparation for it. His Majesty, by the complaints made by his ambassador, has put the punishment and reparation in the hands of your high mightinesses, and it will be only in the last extremity, that is, in the case of a denial of justice on your part, or of silence, which would be interpreted as a refusal, that the King will do himself the justice he demands. Done at the Hague, the 12th of Dec. 1780.

JOSEPH YORKE.

No. 7. EXTRACT from the Register, of the Resolutions of their High Mightinesses the States General of the United Provinces. Friday, Dec. 15th, 1780.

Upon what has been represented to their high mightinesses by Mr. Quarles, president of their assembly, relative to a further visit made him by sir Joseph Yorke, his Britannic Majesty's ambassador extraordinary and plenipotentiary, in order to press for an answer to his Memorial, lately presented to their high mightinesses by his Majesty's order;

It is understood and resolved, after previous deliberation, hereby to charge the greffier of their high mightinesses, to acquaint sir Joseph Yorke, that the Memo-

rials he has lately presented, have been taken *ad referendum* by the respective provinces; and to assure him, that their high mightinesses will not neglect to endeavour to effectuate that an answer to the same shall be given him as soon as is feasible, and the constitution of the government any wise permits.

No. 8. PLAN of a Treaty of Commerce to be entered into between their High Mightinesses the Estates of the Seven United Provinces of Holland, and the Thirteen United States of North America, to wit, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

The parties being willing to fix, in an equitable and permanent manner, the rules which ought to be followed, relative to the correspondence and commerce which they desire to establish between their respective countries, states, subjects, and people, have judged, that the said end could not be better attained, than by taking for the basis of their agreement, the most perfect equality and reciprocity, and by carefully avoiding all those burthensome preferences which are usually the sources of debate, embarrassment and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, such interior regulations as it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility, and the just rules of free intercourse; reserving withal to each party, the liberty of admitting at its pleasure, other nations to a participation of the same advantages.

On these principles, the parties above-mentioned have, after mature deliberation, agreed to the following articles.

Art. 1. There shall be a firm, inviolable, and universal peace and sincere friendship between their high mightinesses the estates of the seven United Provinces of Holland, and the United States of North America, and the subjects and people of the said parties, and between the countries, islands, cities, and towns, situated under the jurisdiction of the said United States of Holland, and the said United States of America, and the people and inhabitants thereof, of every degree, without exception of persons or places.

2. The subjects of the said United

States of Holland shall pay no other duties or imports in the ports, havens, roads, countries, islands, cities, and towns, of the said United States of America, or any of them, than the natives and inhabitants shall pay, but shall enjoy all the other rights, liberties, privileges, immunities, and exemptions in trade, navigation, and commerce, in passing from one part thereof to another, and in going to and from the same, from and to any part of the world which the said natives or inhabitants enjoy.

3. The subjects, people, and inhabitants of the said United States of America, or any of them, shall not pay any other duties or imposts in the ports, havens, roads, countries, islands, cities, or towns, subject to their said high mightinesses the estates of the seven United Provinces of Holland, than the natives and inhabitants of those countries, islands, cities, or towns, shall pay, but shall enjoy all other the rights, liberties, privileges, immunities, and exemptions, in trade, navigation, and commerce, in passing from one part thereof to another, and in going to and from the same, to and from any part of the world, which the said natives or inhabitants enjoy.

4. The subjects of each of the aforesaid confederates, and the inhabitants of the countries, islands, cities, or towns, belonging to either of the parties, shall have liberty freely and securely, without licence or passport general or special, by land or by water, or in any other way, to go into the kingdoms, countries, provinces, islands, cities, villages, towns walled or unwalled, or fortified, ports, dominions, or territories whatsoever of the other confederate, there to enter, and return from thence, to abide there, and pass through the same, and in the mean time to buy and purchase as they please all things necessary for their subsistence and use, and they shall be treated with all mutual kindness and favour; provided, however, that in all matters they behave and comport themselves conformably to the public laws, statutes, and ordinances of such kingdom, country, province, island, city, or town, in which they may be, and live and converse with each other friendly and peaceably, and keep up reciprocal concord by all manner of good understanding.

5. The subjects and people of each of the parties, and the inhabitants of the countries, islands, cities, or towns, subject or belonging to either of them, shall

have leave or licence to come with their ships or vessels, as also with the goods and merchandizes on board the same, (the trade or importation whereof are not prohibited by the laws or ordinances of either country) to the lands, countries, cities, ports, places, and rivers, of either side, to enter into the same, to resort thereto, to remain and reside there without any limitation of time, also to hire houses, or to lodge with other people, and to buy all kinds of lawful merchandizes and goods, where they think fit, from the first workman or seller, or in any other manner, whether in the public market for the sale of things in mart towns, fairs, or where-soever those goods or merchandizes are manufactured or sold; they may also lay up and keep in their magazines or warehouses, and from thence expose to sale, merchandizes or goods brought from other parts; neither shall they in any wise be obliged, unless willingly and of their own accord, to bring their said goods or merchandizes to the marts or fairs; on this condition however, that they shall not sell the same by retail in shops, or any where else: but they are not to be loaded with any impositions or taxes on account of the said freedom, or for any other cause whatsoever, except what are to be paid for their ships, vessels, or goods, according to the laws and customs received in each country, agreeable to the stipulations in this treaty: and moreover, they shall have free leave and permission, without any kind of hindrance or molestation, to remove themselves, also, if they should happen to be married, their wives and children if they have any, and their servants if they are willing to go with their masters, together with their merchandizes, wares, goods, and effects, either bought or imported, whensoever or whithersoever they shall think fit, out of the bounds of each country, by land or by sea, on the rivers and fresh waters, notwithstanding any law, privilege, grant, immunity, or custom, in any wise importing the contrary.

6. In the business of religion, there shall be an entire liberty allowed to the subjects of each of the confederates, as also, if they are married, to their wives and children; neither shall they be compelled to go to the churches, or to be present at the religious worship in any other place: on the contrary, they may, without any kind of molestation, perform their religious exercises after their own way, in

churches, chapels, or houses, with open doors: moreover, liberty shall be granted to bury the subjects of either party who die in the territories of the other, in convenient and decent places, to be appointed for that purpose as occasion shall require; neither shall the dead bodies of those that are buried, be anyways molested.

7. Furthermore it is agreed and concluded, as a general rule, that all and singular the subjects of their said high mightinesses the seven United Provinces of Holland, and of the said United States of America, in all countries and places subject to their power, on either side, as to all duties, impositions, or customs whatsoever, concerning goods, merchandizes, persons, ships, vessels, freights, seamen, navigation, and commerce, shall use and enjoy the same privileges, liberties, and immunities, at least, and have the like favour in all things, as well in the courts of justice, as in all such things as relate either to commerce, or to any other right whatever, which any foreign nation the most favoured, has, uses, and enjoys, or may hereafter have, use, and enjoy.

8. Their high mightinesses the estates of the seven United Provinces of Holland shall endeavour, by all means in their power, to protect and defend all vessels, and the effects, belonging to the subjects, people, or inhabitants of the said United States of America, or any of them, being in their ports, havens, or roads, or on the seas near to their countries, islands, cities, or towns; and to recover, and cause to be restored to the right owners, their agents or attornies, all such vessels and effects, which shall be taken within their jurisdiction: and their ships of war, or any convoys sailing under their authority, shall, upon all occasions, take under their protection all vessels belonging to the subjects, people, or inhabitants of the said United States of America, or any of them, or holding the same course, or going the same way; and shall defend such vessels as long as they hold the same course, or go the same way, against all attacks, force, and violence, in the same manner as they ought to protect and defend vessels belonging to the subjects of their said high mightinesses the states of the seven United Provinces of Holland.

9. In like manner the said United States of America, and their ships of war sailing under their authority, shall protect and defend, conformable to the tenor of the preceding article, all the vessels and effects

belonging to the subjects of the seven United Provinces of Holland; and use all their endeavours to recover, and cause to be restored to their right owners, the said vessels and effects that shall have been taken within the jurisdiction of the said United States of America, or any of them.

10. Their high mightinesses the estates of the seven United Provinces of Holland, will employ their good offices and interposition with the king or emperor of Morocco or Fez, the regency of Algiers, Tunis, or Tripoli, or with any of them, and also with every other prince, state, or power, on the coast of Barbary, in Africa, and the subjects of the said king, emperor, states, and powers, and each of them; in order to provide, as fully and efficaciously as possible, for the benefit, conveniency, and safety of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and effects, against all violence, insult, attacks, or depredations, on the part of the said princes or states of Barbary, or their subjects.

11. It shall be lawful and free for merchants and others, being subjects either of the said seven United States of Holland, or of the said United States of America, by will, or any other disposition, made either during the time of sickness, or any other time before, or at the point of death, to devise or give away to such person or persons as to them shall seem good, their effects, merchandizes, money, debts, goods moveable or immoveable, which they have, or ought to have, at the time of their death, or at any time before, within the countries, islands, cities, towns, or dominions, belonging to either of the said contracting parties: moreover, whether they die, having made their will or intestate, their lawful heirs, executors, or administrators, residing in the dominions of either of the contracting parties, or coming from any other part, although they be not naturalized, and without having the effect of this concession contested or impeded, under pretext of any rights or prerogative of provinces, cities, or private persons, shall freely and quietly receive and take possession of all the said goods and effects whatsoever, according to the laws of each country respectively; in such manner, however, that the wills and rights of entering upon the inheritances of persons dying intestate, must be proved according to law in those places where each person may happen to die, as well by the subjects of one as of the other

contracting party; any law, statute, edict, custom, ordinance, droit d'aubaine, or any other right whatsoever, notwithstanding.

12. The goods and estates of the people and subjects of the one contracting party that shall die in the countries, islands, lands, cities, or towns of the other, shall be preserved for the lawful heirs and successors of the deceased, the right of any third person always reserved; and such goods and effects, together with the papers, writing, and books of accounts of such deceased person, shall be put into an inventory by the consul, or other public minister of such party whose subject has so died, and put into the hands of two or three reputable merchants, that shall be named by such consul or public minister, to be kept for the heirs, executors, administrators, or creditors of the deceased; nor shall any judicatory whatever intermeddle therein, until applied to, according to the forms of law, by such heir, executor, administrator, or creditor.

13. It shall be lawful and free for the subjects of each party to employ such advocates, attornies, notaries, solicitors, or factors, as they shall think fit; to which end, the advocates, and others abovementioned, may be appointed by the ordinary judges, if it be needful, and the judges be thereunto required.

14. Merchants, masters of ships, owners, mariners, men of all kinds, ships and vessels, and all merchandizes and goods in general, and effects, of one of the confederates, or of the subjects thereof, shall not, on any public or private account, by virtue of any general or special edict, be seized or detained in any of the countries, lands, islands, cities, towns, ports, havens, shores, or dominions whatsoever, of the other confederate, for public use, for warlike expeditions, or for any other cause; much less for the private use of any one shall they be detained by arrests, compelled by violence, or under any colour thereof, or in anywise molested or injured. Moreover, it shall be unlawful for the subjects of either party to take any thing, or to extort it by force, from the subjects of the other party, without the consent of the person to whom it belongs, and it to be paid for with ready money: which, however, is not to be understood of that detention and seizure which shall be made by the command and authority of justice, and by the ordinary methods, on account of debt or crimes; in respect whereof, the

proceedings must be by way of law, according to the forms of justice.

15. It is further agreed and concluded, That it shall be wholly free for all merchants, commanders of ships, and other subjects of their high mightinesses the states of the seven United Provinces of Holland, in all places subject to the dominion and jurisdiction of the said United States of America, to manage their own business themselves, to employ whomsoever they please to manage it for them; nor shall they be obliged to make use of any interpreter or broker, nor to pay them any salary or fees, unless they choose to make use of them: moreover, masters of ships shall not be obliged in loading or unloading their ships, to make use of those workmen that may be appointed by public authority for that purpose, but it shall be entirely free for them to load or unload their ships by themselves, or to make use of such persons in loading or unloading the same, as they shall think fit, without paying any fees or salary to any other whomsoever; neither shall they be forced to unload any sort of merchandizes either into other ships, or to receive them into their own, or to wait for their being loaded longer than they please. And all and every the subjects, people, and inhabitants of the said United States of America, shall reciprocally have and enjoy the same privileges and liberties, in all places whatsoever subject to the dominion and jurisdiction of their high mightinesses the States of the seven United Provinces of Holland.

16. A dispute arising between any commander of the ships on either side and his seamen, in any port of the other party, concerning wages due to the said seamen, or other civil causes, the magistrate of the place shall require no more from the person accused than that he give to the accuser, a declaration in writing, witnessed by the magistrate, whereby he shall be bound to answer that matter before a competent judge, in his own country; which being done, it shall not be lawful for the seamen to desert the ship, or to hinder the commander from prosecuting his voyage. It moreover shall be lawful for the merchants on both sides, in the places of their abode, or elsewhere, to keep books of their accounts and affairs in any language or manner, and on any paper, they shall think fit, and to have an intercourse of letters in such language or idiom as they shall please, without any search or molestation what-

ever; but if it should happen to be necessary for them to produce their books of accounts for deciding any dispute or controversy; in such case, they shall bring into court the intire books or writings, but so as the judge or any other person may not have liberty to inspect any other articles in the said books than such as shall be necessary to give credit to the said books, neither shall it be lawful, under any pretence, to take the said books or writings forcibly out of the hands of the owners, or to retain them, the case of bankruptcy only excepted.

17. The merchant ships of either of the parties which shall be making into a port of the other party, and concerning whose voyage, and the species of goods on board her, there shall be any just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband.

18. If by exhibiting the abovesaid certificates, mentioning the particulars of the things on board, the other party should discover there are any of those sorts of goods which are prohibited and declared contraband by this treaty, and consigned for a port under the obedience of his enemies, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffer, pack, cask, or any other vessel or package found therein, or to remove the smallest parcel of the goods, whether such ship belongs to the subjects of their high mightinesses the States of the seven United Provinces of Holland, or to the subjects or inhabitants of the said United States of America, unless the loading be brought on there in presence of the officers of the court of Admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same, in any manner, until after that due and lawful process shall have been had against such prohibited goods, and the court of Admiralty respectively shall, by a sentence pronounced, have confiscated the same, saving always as well the ship itself, as any other goods found therein, which by this treaty are to be esteemed free; neither may they be detained on pretence of their being as it were infected by the prohibited goods, much less shall they be confiscated as lawful prize: but if not the whole cargo, but only part thereof, shall consist of prohibited goods, and the

commander of the ship shall be ready and willing to deliver them to the captor who has discovered them, in such case, the captor having received those goods, shall forthwith discharge the ship, and not hinder her, by any means, from freely prosecuting the voyage on which she was bound; but in case the contraband merchandize cannot be all received on board the vessel of the captor, then the captor may, notwithstanding the offer of delivering him the contraband goods, carry the vessel into the nearest port, agreeable to what is above directed.

19. On the contrary, it is agreed, that whatever shall be found to be laden by the subjects, people, or inhabitants of either party, on any ship belonging to the enemy of the other, or to his subjects, the whole, although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy himself; except such goods and merchandizes as were put on board the ships before the declaration of war, or even after such declaration, if it so be that it was done without knowledge of such declaration; so that the goods of the subjects and people of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same, without knowledge of it, shall no ways be liable to confiscation, but shall well and truly be restored without delay, to the proprietors demanding the same; but so as that if the said merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy; the two contracting parties agree that the term of six months, being elapsed after the declaration of war, their respective subjects, people, and inhabitants, from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

20. And that more effectual care may be taken for the security of the subjects and people of either party, that they do not suffer any injury by the men of war or privateers of the other party, all the commanders of the ships of war, and the armed vessels of the said States of the seven United Provinces of Holland, and of the said United States of America, and all their subjects and people, shall be forbid doing any injury or damage to the other side; and if they act to the contrary, they

shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their person and goods.

21. All ships and merchandizes, of what nature soever, which shall be rescued out of the hands of pirates or robbers on the high seas, shall be brought into some port of one or the other party, and shall be delivered into the custody of the officers of that port, in order to be restored entire to the true proprietors as soon as due and sufficient proof shall be made concerning the property thereof.

22. It shall be lawful for the ships of war, privateers, or armed vessels of either party, freely to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the Admiralty, or any other judges; nor shall such prizes be arrested or seized when they come to and enter the ports of either party; nor shall the searchers, or other officers of those places, search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart, and carry their prizes to the place expressed in their commissions, which the commanders of such ships of war, privateers, or armed vessels, shall be obliged to shew: on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prizes of the subjects, people, or property of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of the seas, all proper means shall be vigorously used that they go out and retire from thence as soon as possible.

23. If any ships or vessels belonging to either of the parties, their subjects or people, shall, within the coasts or dominions of the other, stick upon the sands or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof, and letters of safe conduct shall likewise be given to them, for their quiet and free passage from thence, and the return of every one to their own country.

24. In case the subjects or people of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbour, to retreat and enter

into any of the rivers, creeks, bays, havens, roads, ports, or shores, belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the sustenance of their persons or reparation of their ships, and conveniency of their voyage; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

25. For the better promoting commerce on both sides, it is agreed, that if a war should ever happen to break out between the said contracting parties, six months after the proclamation of war, shall be allowed to the merchants, subjects, and people on either side, in the countries, cities, and towns where they may happen to reside; in which time they themselves may retire, together with all their families, goods, merchandizes, and effects, and carry them whithersoever they shall please; as likewise, at the same time, the selling and disposing of their goods, both moveable and immoveable, shall be allowed them freely, and without any disturbance; and in the mean time their goods, effects, wares, and merchandizes, and particularly their persons, shall not be detained or troubled by arrest or seizure, but rather in the mean time the subjects and people on each side shall have and enjoy good and speedy justice, so that, during the said space of six months, they may be able to recover their goods and effects, entrusted as well to the public as to private persons: and if any thing be taken from them, or any injury be done by either party, or the people or subjects on either side, full satisfaction shall be made for the same, by the party committing such injury, or doing such damage.

26. No subjects of their high mightinesses the states of the seven United Provinces of Holland shall apply for or take any commission or letter of marque, for arming any ship or ships to act as privateers against the said United States of America, or any of them, or against the property of any of them, from any prince or state with which the said United States of America shall happen to be at war; and if any person of either nation shall take such commission or letter of marque, he shall be punished as a pirate.

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27. It shall not be lawful for any foreign privateers, not belonging to the subjects of their high mightinesses the states of the seven United Provinces of Holland, nor to the citizens of the said United States of America, which have commissions from any other prince or state in enmity with either of the contracting parties, to fit their ships of war in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandizes, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that prince or state from which they have commissions.

28. Subjects and inhabitants of both the contracting parties shall be at liberty to navigate their ships (without any distinction of owners, to whom the cargo or cargoes may belong) from all ports whatever belonging to the powers, that then are, or afterwards may be, in amity with either of the aforementioned States; as also to trade in their way to or from such places, ports and towns belonging to the enemies of either party, whether the said place be within the jurisdiction of one or more powers. It is also hereby stipulated, that the freedom of shipping will be extended to the cargoes, belonging to the respective subjects or inhabitants of the said States, though the whole, or part of the said cargo should be the enemy's property. This privilege is also to be construed as extending to all persons whatever, on board the said ships (the military in the enemy's service only excepted) as well as contraband goods.

29. This article contains a large enumeration of the goods prohibited to be carried to the enemy, which comprehends all manner of warlike stores. It gives also an account of such goods as may be lawfully exported, namely, clothing and other manufactured goods of wool, cloth, silks, &c. &c. the matters employed in manufacturing the same; gold and silver either coined or in bullion, all sorts of metals, corn and seeds, spices, tobacco, meat, salt or smoked, and every kind of eatables; in fine, ship timber, sails, canvas, and every effects whatever not fashioned in the shape of any tool or warlike instrument usually employed in war, either by sea or land, all the aforesaid goods and wares shall at no time be looked upon as contraband, and may be carried by the

subjects and inhabitants of the confederate States, even to places belonging to the enemy then at war with either party, excepting only such towns and places, which might happen to be besieged, surrounded, or blocked up at the time of shipping off, for their use, the said wares and goods.

30. In order to prevent all dissention and difficulty which might arise between the subjects of either state, in case one of them should go to war with some other power or powers, the shipping, &c. belonging to the other party, shall be provided with letters or passes, specifying the name, cargo, and burthen of the ship, together with the captain or master's name, and the place of his residence: that thus it may appear that the ship, &c. belongs truly to the said subjects and inhabitants. The said pass to be worded as shall be mentioned at the end of this present treaty. Those letters, or passes, shall be renewed every year, if the bearers should return to the same port within that time. It is further agreed, that besides the aforesaid passes, certificates shall be given, mentioning every part of the cargoes, the respective places from and to which such ships may be bound. The said certificates to be drawn up in the usual form, before the officers of the place from whence the said ships are to sail; the said officers shall be at liberty to mention, by name, if they think it expedient, the owners of the cargo or cargoes.

31. The commanders or owners of ships belonging to the contracting parties, entering into any of the roads of either of the said States, who may not think proper to enter into port; or, when entered, will not choose to unload either the whole or part of the cargo, shall not be compelled to declare in what it consists, unless a well-grounded suspicion should arise, on some evident circumstances of their being laden for the enemy, or carrying from one of the confederate States to the other, any prohibited goods; in which case, such commanders, owners or inhabitants, shall be obliged to shew their passports and certificates, drawn up in the manner hereafter mentioned.

32. When the ships belonging to either state, sailing coast-ways, or otherwise, shall be met by the ships of war, privateers, &c. of the other party, in order to prevent mischief, the latter shall keep out of the reach of the guns, though it will be lawful for them to send their boats to board the

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abovesaid merchant-men, not suffering above two or three men at a time to get on board to them; the master, or commander of the said ships, shall present his passports, conformable to the tenor hereafter recited. After which, the said ship, or merchant-man, shall be at full liberty to continue its voyage, without being searched, chased, or obliged to alter its course, or otherwise molested under any pretence whatsoever.

33. It is further agreed, that all goods and effects whatever, being once put on board of a ship, or ships, belonging to either of the contracting parties, shall not be liable to a second visit, or search, after having undergone that which must precede the lading of such ships; as all prohibited goods must be stopped on the very spot, before they are suffered to be carried on board the ships belonging to either party; the same not being liable to any other kind of embargo for the aforesaid cause. And the subject of either state, where such effects shall, or should have been seized upon, shall be punished for importing the same, according to the manner provided by the laws, customs, and ordinances of his own native country.

34. The contracting parties mutually agree, that they shall be at liberty to have their respective consuls, vice-consuls, commissaries, and other agents appointed by and for each party. Their functions and officers shall be regulated by a particular convention, whenever either of the contracting powers shall think proper to appoint such officers. Here follows the form of the passport and certificate, the intention and purport of which are sufficiently explained in the 30th article of this treaty.

J. DE NEUFVILLE, (L. S.)
W. LEE, (L. S.)

Debate in the Lords on the King's Message relative to the Rupture with Holland.]
The Clerk having read the preceding Papers, lord Stormont was rising to move an Address to his Majesty, when

The Duke of Richmond rose, and asked if the papers now read contained all the information the noble viscount proposed to lay before the House? Until he was satisfied on that head, it was impossible for him to know how to conduct himself. His Majesty now made a communication to the House, of a measure which he had thought fit to adopt during the recess. He ordered certain papers to ac-

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company that communication, which, however necessary in themselves, were imperfect. Before, therefore, any further step was taken, he wished to know, whether those papers contained the whole of what was intended to be communicated? [Lord Stormont remained silent.] His grace observed, that the papers on the table contained only a partial account; that nothing appeared concerning the motives and reasons which influenced the conduct of the States General; consequently, nothing which could be relied on. For his own part, he should ever prefer no account to a partial one. He wished, at this particular crisis, to strengthen the hands of government as much as possible; but the duty which he owed to his sovereign, his country, and himself, forbade him to approve of measures which, under the semblance of wisdom, equity and vigour, might prove big with ruin, mischief and injustice.

The *Lord Chancellor* said, that it was not to be expected the noble viscount could give an answer. His Majesty had charged him with the delivery of the message, and of the several papers that accompanied it, which was the information intended to be given. They were sufficient, in his opinion, though there were no other document. The Manifesto included in the state papers fully justified the measure. It stated that treaty which was the subject of the present conversation; a treaty expressly entered into between an ancient ally and our own rebel subjects. It would have been criminal and perfidious in any power in a state of common amity with us; it was doubly so coming from an ally; and what, if possible, aggravated the conduct of the States General, and gave it still a deeper complexion, it was secretly carried on at a time when we were in a state of actual alliance and professed friendship: yet, though there were no other objection to what had been urged by the noble duke, there was enough to fortify him in his opinion of the impropriety, or rather informality, of entertaining any other question or consideration whatever, till his Majesty's message should be first disposed of.

The Duke of *Richmond* rose with some warmth, and lamented the situation every noble lord stood in who differed from ministers. They had every thing to contend with, and that without the most distant prospect of success. He said, he felt the most earnest desire that the delibera-

tions of the present day might be accompanied with unanimity. He was aware of the very disagreeable predicament in which he stood. He foresaw the event of any opposition he could make, and that every thing suggested at that side of the House, would be over-ruled. He knew, likewise, that the present measure was a popular one. He was not ignorant of the imputations which would be thrown out on whoever opposed it in any form, or upon any ground; but not even all this, his earnest wish for unanimity, his being overborne by numbers, or any other circumstance alluded to, should deter him from a faithful and conscientious discharge of his duty. Upon that single principle he had always determined, and ever would act; and notwithstanding the various discouragements he should have to encounter with, he would nevertheless steadily persevere. He had hoped, at the outset of this business, that every paper necessary for their lordships' full information would be laid before the House; but from what already passed, he was convinced that nothing was more vain than such an expectation. Ministers had previously determined there should not, and that experience had proved, beyond doubt, was sufficient even in the most sanguine mind to banish all hopes of success. He had long since determined to absent himself from any attendance in that House, and he believed this would be the last time he should ever trouble them upon any thing which immediately related to the conduct of government in respect to the American war. Be that as it might, the present occasion was, in his opinion, clearly out of the question. He confessed he was much astonished to learn, by what fell from the noble lord on the woolsack, that it was the intention of ministers that the decision of that day must be taken from a few partial extracts from the instructions given to the British minister at the Hague, the manifesto formed upon those extracts, and a project or pretended treaty between Van Berkel and Mr. Lee. Such being the conduct of ministers, he was reluctantly forced to seek other and more relative information. Though entertaining no prospect of success, it would afford him an opportunity of declaring his sentiments to the public, and entering the reasons which induced him to oppose the measure now intended in the manner and on the grounds on which it was meant to oppose it, on their lordships' Journals. As soon, therefore, as

the noble viscount should move an Address, in answer to the King's message, he intended to move an amendment for the production of the whole of the correspondence, or for copies of all memorials, &c. which had passed between the British cabinet and the States General.

Lord Stormont then rose, and said, that however willing he might be to address their lordships in relation to the royal Message with which he was charged, and in answer to which it was his intention to move an address, he waited with pleasure till the noble duke had explained his intentions. As to the defectiveness of the information objected to by the noble duke, he little thought that any such objection would have been started; and as to moving for papers, till the message was disposed of, he believed it would be a proceeding altogether unprecedented. Whatever the judgment of the House hereafter might be, he understood, that the message was always previously determined upon, as a matter of course.

His lordship then proceeded to shew, from the papers, that the measure of issuing letters of marque and reprisals, was not only justifiable, but was founded in necessity and sound policy. The States General had behaved basely and treacherously: connected by the most solemn alliances; united by ties the most sacred and indissoluble; bound by common interest, and urged by motives of mutual preservation, we had nothing apparently to fear from them: we had, on the contrary, every thing to expect which affection, cemented by a reciprocity of interest, could promise, and honour and fidelity could exact. But in all these expectations we had been miserably disappointed, and basely deceived. The States General had violated their most sacred engagements; they had acted as secret enemies; and what was worse, they carried on those secret machinations under the colour of friendship. They had entered into a conspiracy with our natural enemies and rebel subjects, to dismember the British empire, and to parcel out our dominions. This would be base and unworthy even from a neutral power; but when it came from a pretended ally, and an avowed friend, it deserved public execration; it stamped the nation who could be guilty of it with infamy, and called aloud for the most exemplary chastisement.

The papers on the table, considering the ancient treaties subsisting between the

two nations, established the truth of every thing which he had affirmed, and would justify remarks of still greater severity. He would pass over the singular obligations for which the Republic stood indebted to this country. He would only rest his arguments upon plain facts, collected either from the terms of existing treaties, or the consequent conduct of the States General. By the treaty of 1674, it was true, the States General were permitted to carry indiscriminately all goods, commodities, and merchandize whatever to our enemies, as well as friends and neutrals; but by the two subsequent treaties of 1678, and 1716, it was specially provided, that when either power should be attacked in any of their dominions, that the other, upon the *casus fœderis*, shall assist with a certain number of troops and ships. By this it was plain that the subsequent treaty, at a certain period, at least, supersedes the treaty of 1674, that is, after the requisition made by the party attacked, to his ally, and the assistance given in consequence of that requisition, which the treaty provides shall be at the end of two months from the date of the demand. Upon these plain, notorious facts, how then will the case stand? Most certainly; that the treaty of 1674 is rendered of none effect by the two latter treaties of 1678 and 1716; for surely it would be the most absurd, contradictory, and nugatory construction possibly conceivable, to suppose, after the requisition made, the quotas granted, and actual hostilities commenced, that the ships of Great Britain, or the Republic, taking the event either way, should trade and carry on a commerce with France or Spain, or any other power, which either, and of course, both after a certain period must be at war with; it was repugnant to the most familiar rules of common sense and common experience. Either the treaty of 1674 ceases to operate the very instant the *casus fœderis* begins to exist, or both cease; or, if possible, a greater absurdity would take place, that of the treaty of 1674 being always binding on the contracting parties, and the treaties of 1678 and 1716 never binding upon either. He would rely on the judgment of their lordships, whether by fair construction this was not the spirit, as well as letter of the treaties alluded to; and if after application made, and the expiration of the interim between the application and the performance of the condition, was not the very instant in which the subsequent

condition was to take place, and to supersede the precedent one, in relation to the liberty of supplying the enemy with military stores, as included in the general and unqualified description of all goods, merchandizes, &c.

But even to wave this point, and relinquish every advantage which might be drawn from it in favour of Great Britain, it would be not improper to state the transaction in point of fact. What did the Republic wish to obtain by this exclusive liberty, so contrary to the law of nations, as that of supplying the enemy with the means of carrying on the war? The fact was simply this: the Dutch claimed the right of supplying the enemy; it is, say they, a commercial transaction, the mere object of gain; let, then, their lordships look upon it even in that light. Neither the Republic, nor any of their subjects suffered any detriment as merchants or common carriers; for the bottom or ship, when vessels laden with military stores were seized, were liberated; and if the property was Dutch, a reasonable and fair price was given as an equivalent to the owner; if, on the other hand, the cargo belonged to an enemy, it was confiscated, and condemned as legal prize; in neither case was the spirit of the treaty of 1674 violated. The treaty never meant nor expressed in any way that Dutch bottoms were to protect the goods of an enemy, nor any more than that Dutch property, though designed for the use of an enemy, should not be condemned as lawful prize in our Admiralty courts.

After having endeavoured to prove, by a variety of collateral arguments, that we had not departed from the treaty of 1674, considering it as a distinct engagement; that the *casus fœderis* began to exist as soon as the time limited for performing the terms of the requisition was expired; supposing even that we had broke one treaty, and were not of course entitled to claim the succours from Holland; yet in that event, the conduct of Holland amounted to an unprovoked aggression, on their part, so long as they continued to conceal their treacherous intentions, under the fair appearance of friendship and alliance. It was true, the treaty, or the contents of the paper signed No. 8, was a secret transaction, as to the mode of conducting it; but it was avowed in its object, and specific and direct in its consequences; it originated in treachery, and was open, direct,

and premeditated, intended to be carried into execution at some given or eventual period. It was making war upon this country, and was a species of aggression every way correspondent in its nature to an avowed act of hostility. It was a treaty with a part of our subjects in open rebellion, and called into question, as all other offensive acts do, our undoubted rights and sovereign dominion over a part of our own territories.

His lordship next entered into the detail of the conduct of the States General, respecting either their direct refusing to give any satisfaction, or by their evading to give any by studied plausibilities, pretended impediments, and artful delays, originating from a fixed system of procrastination; observing, that they had either trifled with our minister, treated his remonstrances with neglect, or denied all kind of satisfaction. He did not wish to be understood as involving the whole of the United Provinces in the same general charge; their councils were, unhappily for the body of the people, influenced by faction, and by partial interest. They were under the dominion of a Gallo-American faction, and the people were seduced and led away from their real interests, through the arts and machinations of selfish and ambitious men. He should ever condemn any policy which had not justice and good faith for its basis; because the contrary seldom failed of bringing after it its own punishment, honesty he would ever maintain was the best policy, and moral rectitude should ever be received by him as a test of the wisdom, as well as justice, of those kingdoms or states, which made it the rule or basis of their public conduct. He had no doubt, but the time would shortly arrive, when the people of Holland, now infatuated, or ruled by a Gallo-American faction, would perceive their error, and punish the authors of their misfortunes in a manner suitable to their deserts. It was, in his opinion, astonishing, how they could be so far seduced; or how they could sacrifice the first principles of prudence and policy to the imaginary and fanciful expectations of interested or speculative men. He was persuaded, that this infatuation, besides not being prevalent among the body of the people, was far from being universal, even among the governing powers. The true friends of their country looked upon their interests in another view; it was, indeed, impossible that it could be otherwise. Every wise Hollander must

see at once, that Great Britain was the only real ally and casual protector of the republic against the ambitious designs of her powerful neighbours: such a man must acknowledge, that if the power and consequence of Great Britain should be broken, or diminished, according to the evident schemes of her enemies, the ruin or conquest of his own country could only be suspended or deferred, till some of the great powers of Europe should think proper to do so, and none more likely than that power of whom his country had ever justly retained the best founded jealousies and apprehensions, and whose superiority would be the natural result of the fall of Great Britain: in short, good faith, mutual interest, and mutual preservation, extension of commerce, ancient alliance, affection, and every other circumstance which can bind or connect nations together, served to show the blind as well as wicked policy of entering into a conspiracy with our rebellious subjects, and with their natural enemies, determined and meditating equally their own destruction with ours.

If that illustrious general, the duke of Marlborough, or that immortal hero, the prince of Orange, the great champion and defender of our liberties, were now alive, he would submit to their greatest admirers, whether they would not adopt a similar policy to that which dictated the present measure? Whether the latter, as prince of Orange, would not have strained every nerve, and made every effort in his power in order to break and disconcert the dangerous league entered into by the House of Bourbon; whether, as prince of Orange, he had seen Great Britain in its present situation, he would not immediately perceive the downfall and destruction of his own country involved in that of Britain? And, finally, as king of Great Britain, he would not risk every thing sooner than submit to the pride, insolence, and wicked ambition of France and her unnatural confederates? His lordship was proceeding to explain the conduct of Van Berkel, the grand pensionary, when

The Duke of *Richmond* rose to order. The noble lord, instead of confining himself to the subject matter of the message, and the papers which accompanied it, argued from presumptive facts, totally unfounded, in respect of the necessary evidence required on such occasions in that House. This would be extremely improper and irregular, in any one of their

lordships, but was doubly reprehensible in the noble viscount, who, from the high post he occupied in his Majesty's government, as well as the opportunities he had of learning the most early and secret information, carried with it peculiar weight. If the noble lord had any information on the subject, on which he spoke with so much confidence, he must have gathered it from common report, or through the channel of office; if the former, it would be indecent to argue upon it in the character of a confidential servant of the crown; if the latter, it was his duty to lay his information, and the authority whence he derived it, before their lordships. There was one idea that pervaded the whole of his lordship's speech, which seemed to him extremely erroneous, and was the only ground on which the manifesto or message, in his opinion, could stand; that was, considering the rough draught of a project or plan to be agreed to by the seven United Provinces, and the United States of America, as an original paper binding upon the respective parties. This, it was clear, was a mere project: indeed, the tenor of the paper, as well as the concluding article, expressly proved it, for it says, "to be" entered into by the parties mentioned. Van Berkel, and Mr. Lee, the acknowledged subjects of two independent states, sketch out a plan of a future treaty to be acceded to by those states. To give this plan effect, the consent of both those states must be procured; but after a period of more than two years, so far from there being any ratification of this ideal treaty, there is not a scrap of paper, nor a single proof of any kind whatever, that either of the presumed principals in this transaction ever heard a syllable relative to the negotiation or pretended treaty, much less that they had approved of it; yet the treaty is made the only ground of justification of those who advised the issuing the manifesto, and sending the present message. His grace concluded with affirming, that the noble lord had deviated from the established rules of parliamentary proceeding, when he called him to order, and repeated his intention of moving for the whole correspondence, as soon as his lordship had concluded his speech.

Lord *Stormont* said he was far from acquiescing in the rule laid down by the noble duke, as binding upon the members of that House; that no fact was to be stated, or opinion formed, but upon infor-

mation regularly in possession of the House. If there was such a rule, daily experience proved that it had not been observed, or indeed at all attended to by the noble lords on the opposite side. He believed a conduct the very reverse of this was almost uniformly pursued; reports and hearsays were frequently substituted for facts; and conclusions were drawn, and arguments raised, as if they had been in full proof; and repeated accusations urged, apparently ill-founded, at the time, or which had proved so afterwards. None of their lordships more earnestly wished than he, that the regularity of their proceedings should be preserved, nor none felt more sensibly whenever they were violated; which, he was free to say, too often happened to be the case. He indeed remembered a period (at the time he first had the honour of a seat in that House) when its proceedings were conducted with gravity and dignity. It was not however the case at present. He observed, that the noble duke sought a species of information which was publicly known. The Dutch Gazettes were full of the motives which directed the conduct of the States General. After the most pressing entreaties and repeated condescensions on our part, when the paper which the noble duke so warmly contended ought not to be considered as an act of the Republic, because it appeared to be no more than a project or plan of a treaty;—when this paper was laid by our ambassador before the States General, instead of disavowing it, they only disclaimed having any knowledge of it in general terms; and when an opening was given to them to disclaim the act, they declined to avail themselves, and came to a determination to refuse any satisfaction, and disposed of it *ad referendum*, to be taken up, or not, at some future opportunity. If this was not an avowal of the treaty or project, it was clearly little short of it; and for his part he could see scarcely any difference between a public act of the state, and a private act of an hostile nature committed by a subject, when the governing part of that state denied satisfaction, or refused to punish the offender.

His lordship next stated the several stages of the progress of this business, as confirmed by the papers referred to their lordships; and contended that the States General had acted more unfriendly and substantially hostile to us than our natural enemies the French; for although the lat-

ter, for some time before they publicly declared themselves, had been secretly assisting our enemies with military stores, by conniving at the private engagements entered into by their merchants, and permitting some military adventurers to go into the rebel service; yet when complaints were made on the subject, and remonstrances repeated, they were not always made without effect. This illicit commerce was frequently suspended, if not totally stopped, by specific orders from court; the cargoes re-landed in some instances, and the sailing of the vessels countermanded in others. This was the conduct of a rival and inimical power, whereas not one of the remonstrances presented by the British minister at the Hague was in the least attended to. The noble duke called for the counter-correspondence, or the answers of the States General to those several remonstrances. It refreshed his memory, and helped him to give the noble duke an answer to his asking what was the reason that none of the papers respecting the conduct of the States General, as stated by themselves, were laid on the table? He could satisfy his grace by saying there were none; for the States General declined, under various pretences, to give any satisfaction whatever.

The consequence of all this was, that the Dutch, by being considered as friends and allies, it being their interest to be considered in that character, injured us daily in the most tender part, and that more effectually than if they had actually declared publicly against us: their open enmity could not have done us the tenth part of the mischief. They supplied our own subjects in open rebellion with all the means of resistance, and he was persuaded, upon the best information, that we should never have been in our present situation, were it our good fortune that St. Eustatia had been destroyed, or sunk in the ocean. France, at the period alluded to, had no intercourse with America, and when she began to have an intercourse with her, it was by stealth, and was far from affording our rebel subjects an assistance adequate to their wants; while Holland, by making her West India possessions the mart for our American subjects, furnished them with the means of continuing the rebellion, till France, and afterwards Spain, took a public part in the quarrel.

His lordship observed, that his Majesty

acted with all possible tenderness, wishing to avoid any thing which could administer the most distant cause of offence, or be the means of embroiling those whom he wished to consider as his friends and allies, in any measures which might in their consequences involve them in a war with France. Though by the treaty of 1678, we were authorised to call upon them within two months after any attack made on us, to declare war against that power, or to demand the succours prescribed by that treaty, of troops and ships, according as choice or convenience might suggest; yet on the aggression of France we forebore to insist upon the performance of that treaty; nor did we apply for those succours till France, with Spain and America, had confederated for our destruction. Nevertheless now, at the end of 18 months, after so many repeated applications, in the character at one time of neutrals, at the other as allies, could the States General be induced to give satisfaction? So far from it, they not only continued to supply our foreign enemies with military stores, but our own subjects, in actual rebellion; which was no less contrary to the law of nations, and the interpretation put upon the treaty of 1674 by themselves, than the first principles of justice, which bind nations not in a state of actual hostility to each other.

It was very unnecessary to trouble their lordships further in detail; the present treaty, happily found in Mr. Laurens's papers, only confirmed what was sufficiently apparent before, that treaty furnished a key, which decyphered their whole conduct; and if the least ambiguity remained, the answer of the States General to the British minister last December put it beyond all question. They had proved themselves our most fatal enemies, because they were concealed. The French, on the contrary, entered later into the conspiracy, and declared earlier; consequently they acted fairer, and proved less dangerous. The republic of Holland acted the part of an assassin, who strikes and stabs in the dark, with a double prospect of success and impunity; and we had treated that perfidious people as they deserved, and as he would treat an assassin, if personally attacked; for had he arrested the blow, and seized the hand that gave it, he would drag the villain to the light, and when he was satisfied that he was the real offender, he would inflict the punishment which was due to so atrocious a crime.

He qualified his expressions, as not applying to the people of Holland in their collective capacity, attributing it chiefly to the effects of party, and the bold and interested views of a Gallo-American faction, bribed by lucre and usurious gain; but he trusted with confidence, that, be the cause what it might, the spirited exertions of this country would make them repent of their perfidy. We had very wisely determined not to procrastinate any longer; we had given them the first blow, and would probably stun them into their senses. On the other hand, if we had continued to put up with further evasions, and studied delays, we should thereby have only enabled them to effect by open force what they had hitherto attempted to accomplish by treachery and concealment. He depended much on the magnanimity of the nation, and the happy opportunity which his Majesty's measures gave of crushing the evil, before it arose to a dangerous degree. The Dutch were not yet in a state of preparation to effect the pernicious schemes they had formed; and he made no doubt but one or other of the following events would be the consequence; which was all that Great Britain aimed at:—either the people of Holland, from repeated losses and misfortunes, would compel their governors to act with justice, and fulfil the existing treaties; or we should be able in a very short time, by pursuing our present plan of hostility with vigour and effect, to render that republic of no avail to the hostile confederacy; the former was by much the more probable: losses, defeat and disappointment, if no other motives should operate, would beget murmur and discontent among the subjects of the Republic; they would soon discover that they had much to lose, and not the most distant prospect of gain; their commerce would be annihilated, or suspended; they would tremble for the fate of their distant possessions; in short, they would be enemies at all events, secret or open; and, he believed, there was not a noble lord that heard him who could for a moment hesitate upon a choice. For these general reasons, founded in the unequivocal appearances he had mentioned, he was clearly of opinion, that the facts stated in the Manifesto, thus authenticated by the papers on the table, contained the most ample justification of the propriety, sound policy, and justice of the measure communicated to their lordships in his

Majesty's message, in answer to which he begged leave to move the following Address:

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious message, and for having been pleased to communicate to this House your Majesty's public declaration, setting forth the causes and motives which have obliged your Majesty to direct letters of marque and general reprisals to be issued against the States General of the United Provinces, and their subjects.

"We observe, with much concern and just indignation, that the governing part of a nation, whom the ties of common interest, and the faith of mutual engagements, should have made a sincere friend, has employed the most hostile and pernicious means to annoy an ancient ally, by leagu- ing with your Majesty's revolted subjects, and furnishing constant and effectual aids to your inveterate enemies.

"We acknowledge, with the highest satisfaction, and warmest sentiments of gratitude, your Majesty's wisdom, in endeavouring to bring the States General back to those principles which they have deserted, and in the reluctance you have shewn to proceed to hostile measures against a state connected with this country by the closest ties of mutual interest. Your Majesty's great moderation and forbearance strongly aggravate their conduct, which made the present rupture indispensably necessary.

"We beg leave to assure your Majesty, that we shall, with the warmest and most dutiful zeal, give every support to those vigorous measures which your Majesty has determined to pursue. We are sensible they are founded in justice and wisdom, and are such as the honour of your Majesty's crown, and the essential interests of the nation require."

The *Lord Chancellor* came from the woolsack to his place. He said, he would be obliged to put the question as moved by the noble duke: he therefore begged to say a few words in observation to what had fallen from the noble duke, when he was last up. He always spoke with great diffidence, when he differed from the noble duke; and if at any time he thought he saw cause not only to differ from the noble duke, but to speak in strong terms of dis-

approbation, he should wish entirely to repress his sentiments, because he would be led to believe, if any improper expression came from his grace, it had been inadvertently spoken. Guided, therefore, by this rule, he should ever avoid general accusations, or personal charges, direct or recriminatory; and abstain as much as possible, even in the heat of debate, from any thing which, out of that House, could not stand the test of that kind of language and personal respect, which was due from one gentleman to another. Fully persuaded of the propriety of so conducting himself, he heard with much uneasiness some charges made against the advisers of the present measure; for, though in point of form, matters of state were supposed to originate with the sovereign personally, he was free to acknowledge that his Majesty's ministers, or advisers, were alone constitutionally responsible for the consequences.—This, however, did not make any difference as to the mode of parliamentary proceeding, in the first instance, which, he believed, uniformly declared, that when the crown made any communication to parliament, either from the throne, or by message, the speech or message was immediately taken into consideration, previous to the discussion of any other business. For his part, he thought the papers on the table contained every necessary proof to justify the measure: but if they had not, the order of their lordships' proceedings would not, in his opinion, admit of any new matter being introduced, till the message was first disposed of.—On this ground he clearly conceived that the noble duke's intended motion amounted to a direct negative, or, as the noble duke had announced it, to the postponing the address by way of a previous question. Taking it in either light, he rose chiefly to advertise their lordships, that it struck him as such, and that he should consider it in that light.—Another error, as he conceived, the noble duke had fallen into, was, that if the House agreed to the address moved by the noble viscount, such an assent would bind their lordships, and preclude all further enquiry. He could never assent to this conclusion, because he thought the whole business, or any part of it, was as open to reconsideration hereafter, as if no such motion had been ever carried; and it was only on this idea that the noble duke could take up the question as he did; for certainly, if the case was such as his grace understood

it to be, that their lordships were to be for ever precluded by the vote of this evening, there would be good ground for desiring futher information by such of their lordships as should think that already laid before them was not sufficient.—The noble duke seemed to lay great stress on the circumstance, that the treaty was no more than a project. There would be some weight in this argument, if an opportunity had not been given to the States General to retract or disavow it; instead of that, their conduct amounted nearly, if not entirely, to an avowal or approbation of its contents; they postponed it *ad referendum*, and by so doing, they disclaimed it in form but acknowledged it in substance; for though he would allow, for argument sake, that they were not prepared immediately to punish the offender, Van Berkel, they might have satisfied the British court, by reprobating it in an abstract resolution, or opinion, expressing in general terms their total disapprobation, and declaring the impropriety or criminality of any of the subjects of the Republic entering into a treaty with the rebellious subjects of another state, in amity and alliance with them. His lordship having received the duke of Richmond's motion, read it as follows:

“That an humble Address be presented to his Majesty, that copies of all memorials, remonstrances, &c. which have been presented or received to or from the States General of the United Provinces, since September 1778, be laid before that House.”

The Duke of *Richmond* said, he had not heard a single reason assigned for withholding the whole of the correspondence between the British Cabinet and the States General, which did not serve to fortify him in his first opinion, that it ought to be laid before that House, in order to enable their lordships to come to a decision founded in justice and good policy. The only information their lordships had to ground any vote upon was worse than none, because it was partial. The noble viscount said, in argument, there was none; if that could be depended upon, his motion could carry nothing with it; it would be a mere non-entity; if productive of no good, neither could it do any harm. The noble lord on the woolsack said, the motion implied a negative. He thought otherwise; for it imported no more than this, that the King, with the advice of his ministers, issued the manifesto, which con-

tained the motives of their conduct. Now, in his opinion, the fair inference was this, that the manifesto was issued upon the evidence contained in the papers, or it was not; if it was, he, for one, did not think that the evidence of the intentions of the States General was such as to justify hostilities on our part; consequently, that other evidence was necessary, which, if not produced, as he had no expectation it would; in that case only it was, that his motion imported a negative to that made by the noble viscount.

The learned lord had insisted, that the postponing the complaint against Van Berkel *ad referendum*, and refusing to punish him, amounted to an avowal of the act with which the pensionary was charged; this was a reasoning he could never adopt. It was novel in itself, and of the first impression. It was well known, that the forms of deliberation and proceeding, and the nature of the Dutch constitution, were tedious and intricate. The latter was composed of various movements, and it was more than probable, that the States General were by no means empowered to give an explicit answer on a subject of which all, or infinitely the greater part, of their constituents must have been ignorant. It was doubtful whether a power of punishment was vested in the States General; but even if it was, their wonted caution and deliberate mode of proceeding fully justified their conduct; and he would appeal to every noble lord, if there were not innumerable possible cases in which a subject of this country might offend against the law of nations, notwithstanding which his punishment, instead of being taken up by the sovereign power of the state, must be delegated to our judicial or criminal tribunals; yet he fancied it would be deemed a most absurd conduct, by any power aggrieved, that a refusal on our part to violate the laws by withholding instant and exemplary punishment should be deemed an aggression sufficient to justify hostilities against us by the complaining party.

Another point, much insisted on, was, that the project, or plan, marked No. 8, was considered by them as a treaty made between the States General of the United Provinces and the United States of America. Nothing could be more repugnant to the truth. It could never be considered in that light; for at most it was no more than a plan, or project, conditional in its frame, and, as experience has since

proved, nugatory in its consequences. It never was a treaty; it never was authenticated even as a project or treaty in embryo, within the knowledge and consent of the respective principals: nor had since, so long as from September 1778, to this very day, been confirmed or recognised: so that if he had no other objection to the measure, as justified and explained by the manifesto, or the message in consequence of it, that alone would be a sufficient reason for him to refuse his assent; for although no person entertained a higher personal respect for his Majesty than he did, nor could be farther from imputing any thing improper to him, he contended, that his ministers had made him assert a falsehood in that part of the manifesto where he is made to say, that the governing power in Holland had entered into a treaty with his Majesty's rebellious subjects in America.

After endeavouring to shew that the above was not only a forced construction, but a downright falsehood, he lamented the perilous situation of this country, which was driven into a contest with the three most formidable maritime powers of Europe; and, in all probability, there would shortly be added a fourth: but ministers seemed determined to risk all; they were grown desperate, and by driving every thing to extremity, vainly imagined, that in the midst of surrounding calamity, and national distress, their crimes or ignorance would be forgotten or overlooked. They had the modesty to preach up unanimity, and to claim confidence, when almost every succeeding day afforded some fresh instance of their fatal ignorance and mischievous incapacity. The noble lord over the way, after his repeated boastings, had, either through ignorance or breach of promise, suffered the dominion of the sea to be surrendered up to our rival enemies, and, by way of shewing our strength to contend with a third, had consistently avoided an encounter with even one of them single-handed.

The noble lord in the green ribbon, while he refused to give any further information to their lordships than the partial extracts on the table, acknowledged the existence of other information in one part of his speech, though he denied it in another. He referred their lordships to the Dutch Gazettes. This was a language he never before heard used in parliament, it was indeed treating their lordships with a degree of haughtiness or contempt almost

intolerable. He ventured to say, that there were some of their lordships who never read a Dutch Gazette, and many who did, attended very little to the contents; but be that as it might, it was a species of information he never expected to hear gravely recommended to the great council of the nation by a minister in high office, and in great trust and confidence with his sovereign,—to peruse the Dutch Gazettes as the only document necessary to enable them to advise their sovereign, when called upon by him, at a most critical and important period. The noble viscount referred their lordships to a source of information to which, it was probable, he never resorted himself; for he presumed he was like his uncle, who “never read a news-paper—no, never!”—This contemptuous treatment was difficult to be borne. He knew it was in vain to oppose it, or seek redress. The people were infatuated; the nation was led blindfolded; and where any opposition or stand was made against those destructive measures, corruption came in and swept every thing before it, and, by its irresistible effects, set truth and justice at defiance.

The noble lord in the green ribbon had dealt in the marvellous as well as the improbable; he was bold in figure, and extravagant in metaphor; he had, indeed, used one somewhat out of the common road, which he should not have been much surprised to hear from the mouth of his brother secretary [lord Hillsborough, alluding to his being an Irishman]; he had recommended vigorous measures, and predicted their good effects, one of which was, that they would be the means “of stunning the Hollanders into their senses.” It was, he confessed, a curious method of bringing people to their recollection, by first depriving them of all sense and memory; but he would not quarrel with the simile, though he doubted the justice of its application. It was evident, however, that this language was calculated to answer certain temporary purposes, to delude the people with false hopes, and prevent them from reflecting seriously, and of directing their attention to the reality of their situation.—His grace spoke to a variety of miscellaneous matter, and gave several intimations, that as he perceived all endeavours to serve his country, which he looked upon as devoted, were in vain, he was determined for one to discontinue henceforward a mortifying and unavailing opposition.

Earl Bathurst said, he was much astonished how any noble lord could entertain the least doubt of the secret intentions of the States-General, or, being satisfied of those intentions, could hesitate even for a moment about coming to a decision. It was very unnecessary, he believed, to endeavour to demonstrate what must be acquiesced in as soon as mentioned, that the States-General either did or did not know of the intrigues of Van Berkel. If they were acquainted with the transaction relative to the private treaty executed between the pensionary and Mr. Lee, and had not taken the necessary steps to undeceive our rebellious subjects, by passing a censure upon their own subjects, who had thus traitorously taken upon them to confederate, not only for themselves, but the governing powers of the country, or state; or being totally ignorant of what passed between the contracting parties, till informed by the British minister in the month of December last, when they postponed, *ad referendum*, the consideration of the complaint stated by said minister; their conduct in his opinion, in either event, amounted to a justification of what had been secretly approved of, or connived at by them, or what being transacted without their knowledge, as soon as it was made public, met with their hearty approbation.—His lordship observed, that he had heard now with much indignation, a repetition of the language which had so often given such just cause of offence to every real friend to his country; and which in his soul he believed, besides the particular personal offence it gave those whose conduct and sentiments were so unjustly and indecently traduced, had been productive of the worst consequences in respect of foreign powers. Our councils were described to be weak or wicked; our national state of defence totally inadequate to operations offensive or defensive; our finances exhausted, and, in short, every thing was urged that might by its impression or tendency invite the attacks of our declared enemies, shake or render our alliances of none effect, or create a disregard and contempt in those states, which were deemed merely neutral. When his Majesty, by the advice of his ministers, and approbation of his two Houses of Parliament, had adopted any measures in support of the dignity of his crown, the rights of parliament, and the preservation of his kingdoms, those measures were arraigned in the most indecent terms; and when

every other means of defeating them failed, then it was the language of some noble lords to predict national ruin, and to affirm that it was effected by the influence of corruption, or acts of ministerial imposition. This was what he would never endure, or pass by in silence; it being evidently the language of falsehood and disappointed ambition; it could only originate in the worst motives, and deserved the resentment of the public at large, as well as their lordships, every one of whom, who continued to support the measures of government, being involved in the general accusation? Was it possible to sit in that House, day after day, without feeling the strongest emotions of well-founded indignation. To hear the conduct, of not only the noble lords to whom his Majesty had entrusted the direction of his affairs basely and unjustly vilified, and their characters scandalously and indecently traduced;—charged with being wicked at one time, and incapable at another, or both, according as it corresponded with the views, or answered the purposes of their accusers;—as having entered into a conspiracy against the liberties of their country, and leagued for its destruction, but even every one of their lordships who supported the measures ministers recommended. To state those accusations was sufficient, for they contained in themselves their own refutation, and that they were no less malicious than ill-founded. He had for a long series of years served his sovereign in several capacities, and he could lay his hand on his heart, and with truth affirm, that he always acted for the good of his country, to the best of his abilities; and that there was nothing the crown had to bestow could induce him to give a vote contrary to his conscience, or declare against what seemed to him to be the real interest of his country. If he was not very opulent, he had sufficient to put him above the poor temptations of place and emolument: and he could in his conscience add, that he believed there was not a single noble lord who heard him, and that had supported the measures so indecently asserted to have been carried through by the mere force of corruption, who did not act from motives equally honourable and conscientious with himself.—But it was plain whence all this arose; it arose from a wicked ambition; a lust of power and dominion; a thirst after the emoluments of office. It sprung from corruption, and the worst species of corrup-

tion, because it was incurable—a corruption of the heart. Measures were to be opposed, because they were said to be the King's measures. Ministers were to be traduced, because they were ministers: they were vilified and envied on account of their situation. Opposition proceeded upon hopes formed of compelling ministers to resign; but what was worse than all,—than even personal persecution, or public accusation, the dearest interests of the country were sacrificed to effect the completion of those pernicious schemes. He trusted, however, that the good sense of the nation had learned to trace the motives of such a conduct to their source; to see that it flowed from party rage, which is ever known to be the result of political despair and factious disappointment.

The Duke of *Richmond* observed, that there was no great difficulty in making a general and particular application of what had just fallen from the noble earl. It was directed against those who had, from the commencement of the present wicked, unnatural, and ruinous war with America, opposed the measures which gave it birth, and continued to the present minute to reprobate it in every stage of its fatal progress. It was particular, as personally applying to himself, for having imputed the persevering in a war, equally impolitic and unjust, to the power and irresistible influence of corruption. He assured the noble earl, with all his warmth and eloquence, he had not convinced him of the contrary in either respect. He was still satisfied, that the war, if continued to be prosecuted against America, must inevitably terminate in the destruction of this country; and he was equally convinced, though he was far from stating it as a matter applying indiscriminately to all, or perhaps to any very considerable part of those who countenanced the present ruinous measures, that between two parties, thinking indifferently and impartially on the same subject, the balance had been weighed down by the means of corruption.

The noble lord, with all those loud and warm professions of the disinterested motives on which he had acted since he became a servant of the crown, and that energetic eulogium pronounced by himself on his own public virtue, laid down one general proposition; “that opposition to the measures of government are always founded in party and factious motives; that failing to oust the administration for

the time being, begets rage and disappointment; and these again beget personal enmity, malice, and ill-will.” He was ready to take his lordship's word for every syllable of the doctrine so far as it applied to himself. There was a period, and perhaps a long and the most valuable period of his lordship's life, when he was known to be in strong opposition to the measures of the court. His lordship, it might be fairly presumed, now spoke as he once felt; he spoke from long experience. The struggle was tedious and mortifying, full of disappointment, and clouded with despair. No man, therefore, was a better judge of the various operations of the human mind under such circumstances; and so far as he retained a recollection of what passed in his own—it was scarcely to be doubted; it was fair to conclude, that a wicked, corroding ambition, whetted and increased by unavailing attempts, and a state of political despair, were, in his lordship's contemplation, ever productive of malice and personal enmity, and “that worst species of corruption, a corrupt heart;”—but the noble earl is a Tory; he was then in opposition to the Whigs; whoever opposed his friends, whether in or out of place, must have acted from factious motives and a corrupt heart.

The noble lord had exerted his great talents in endeavouring to prove the folly and improbability of supposing that ministers would withhold from parliament, or ever had, such information as was necessary for the full consideration of parliament, when they came to decide upon any great or important question. This, he perceived, had been urged in favour of the present measure, as well as every preceding one since the commencement of the present war. Now let their lordships attend only for a minute to the case as it really stood within their lordships' own knowledge, and derived from evidence within that House. Previous to the commencement of hostilities in America, the noble lords who sat on that side of the House warned ministers of the consequences which were likely to ensue. After hostilities had taken place, and that upon the assurances of a noble lord (*Sandwich*) that the Americans were cowards and poltroons, and resembled a herd of sheep, who, in proportion as they were numerous, were drove with the greater facility; when it was fatally discovered, that they were not so totally bereft of native courage, nor the means of resistance, as had been described;

did not those persons who disapproved of the war, make the most earnest and repeated efforts to substitute treaty for the sword, and instead of coercion, and unconditional submission, recommend conciliation, and a recognition of the political rights of our American subjects? When borne down by numbers in their repeated efforts to this effect, did not they continue to dissuade them from the mad pursuit, by predicting the interference of France? And when that event had taken place, had not the same men recourse to the same exhortatory persuasives in respect of Spain: and so on to the very instant he was speaking? Did not all their predictions turn out exactly as they were foretold? and was it not thence clear, that opposition were perfectly right in respect of the policy of the war? As to the other point, so strongly urged by the noble earl, that whether ministers were right or wrong, they acted upon the most pure and honest motives; and that parliament, as well as the nation, had approved of their conduct; here he begged leave to differ from the noble earl, as to the conclusion which he drew: for besides being convinced that corruption strongly operated in procuring a parliamentary sanction to the several measures he had pointed out, he was authorized to say, that other aids were called in, in order to the giving success to a favourite system—the aids of delusion, falsehood, imposition, and ministerial seduction. He could point out, were he to consult his memory, innumerable instances of the kind during the progress of the war. He would just advert to one, however, which could not be doubted of, since it was acknowledged by a noble lord in his place in that House, who presides at the head of one of the first departments in the state (lord Sandwich) who, when the mad project of subduing America by force of arms was first conceived, instead of augmenting our naval force, at the commencement of a war, intended to be chiefly a maritime one, reduced the number of seamen from 20,000 to 16,000; and when afterwards reminded, that miscarriages and disappointments chiefly arose from our having an inadequate naval force, his lordship did not controvert the fact, but had the confidence to rise and acknowledge that he was conscious that the force voted was inadequate; but that he foresaw, if he had proposed what appeared to him to be an adequate force, it might probably have

created an alarm in parliament and the nation, and have tended to defeat the measures which had been previously agreed upon by the King's ministers.

So far, therefore, from administration having acted upon the purest motives, or opposition upon the worst, it was evident, that the former had not only employed the general weight and influence, which is the established support or appendage of government, but had further strengthened their plans, and promoted this great object of their wishes, by trick, imposition, and deceit; while, on the other hand, though the motives of opposition might be called in question, their political foresight, and the truth of their repeated predictions, must stand uncontroverted and unimpeached; and in no one instance more strikingly so, than that one delusion begot a situation which made another necessary, till at length our affairs became so embroiled and pregnant with difficulties, that many who had perceived their error, found themselves brought into a predicament, in which it appeared to them more dangerous and fatal to recede than to push forward, trusting every thing to future events and speculative contingencies.

The noble earl said, that all opposition to public measures were composed of the same ingredients, and that a love of power, &c. would ever operate to produce them, be the measures proposed ever so wise, salutary, and necessary. This he affirmed to be contrary to common experience and public evidence. He was ready to grant, that mixed governments gave birth to contrariety of sentiment and opinion, and of course, that the best and wisest measures were liable to be questioned and opposed; but he denied the inference the noble lord had endeavoured to draw from the general observation. All administrations did not create the same degree of opposition, nor were they deserving of it; nor would all administrations, if compared at a subsequent period, stand the test of comparison, so as to be reduced to the same standard. He came into parliament very young, but he was old enough to have a seat in that House through the whole of the glorious and successful administration of the earl of Chatham (then Mr. Pitt); and he well remembered, though he believed every thing done by that celebrated statesman might not be universally approved of, that there was little or no opposition made in parliament to his administration, so long as he continued in office. He, for one,

heartily concurred in such of his measures as came under deliberation when he was present: and yet he could say, that he had no intimacy nor political connection whatever with his lordship. He had scarcely a personal acquaintance with him, nor was he ever under his roof but once, and that merely upon a matter of business. He would not now enter into any comparative view of the present administration and that conducted by that able and honest statesman. He would observe, however, that the glories of that administration were now all tarnished, or their effects no longer felt; and that, before the very monument designed to perpetuate them was finished.—His grace took notice, that what he had said relative to corruption, though he had literally meant and applied it to even the majority of that House, he did not expect that the noble earl would have taken it up with so much severity: for as it was the doctrine of the noble earl and his friends, that all government must be carried on by force or corruption, and as he understood it was not the professed design of the present set of men in power to introduce a government by force, by first superseding the forms of the constitution, it was natural to conclude, that they had embraced the other part of the alternative, that of carrying on the business of government through the influence of corruption.

The Earl of *Chesterfield* arraigned, in very severe terms, the conduct of certain lords in that House, who, while they so strenuously contended for the right of free discussion and opinion in their own case, denied it to their opponents. Whoever had the misfortune to differ from them, was instantly pronounced to be weak, ignorant, or incapable: and not even contented with denying them all ability, they added to the rest charges of the most criminal and dishonourable nature; if it was not weakness, it was corruption; so that it was impossible to escape from the obloquy meant to be thrown upon them in any event. This, surely, was a conduct equally unjust and unbecoming, and struck at the very essence of parliamentary independence; it was arrogant, to say no worse, in one event, and indecent in the other; and if charges of that kind were to be permitted, most certainly the party thus accused were every way justified in recriminating: if noble lords of a certain description thought fit to

charge folly and corruption on their opponents, those traduced were warranted to retort the accusation back again; and presume, that none could make such unjust charges, had not conviction arose from internal evidence in their own breasts. As to the measure communicated by his Majesty to the House, he was of opinion, that it was dictated by political necessity, which left no choice to the King and his ministers. Holland, through the whole of their conduct, since the commencement of the rebellion in America, manifested a most inimical and treacherous disposition towards this country, which was evident, as well by the protection and countenance they shewed to the rebel pirate Paul Jones, while he lay in the *Texel*, as by the late conduct of one of their admirals at *St. Eustatia*, who not only saluted, or returned the salute of the rebel vessels, but even confiscated the property of our subjects, who had captured some of the rebel ships and property, and brought them into that island. He was perfectly persuaded, for one, that Holland only waited to declare publicly, what she had been long meditating, namely, till her navy was in a condition to act offensively, and to afford protection to their commerce and extensive dominions; or, as occasion might offer, of acting hostilely against us in confederacy with France and Spain. Such being the conduct and apparent ultimate views of Holland, he was firmly persuaded, that the measure under consideration was the only one which could be adopted, consistent with national dignity, and the security and preservation of the state; and if fate should determine that we must fall, which in one event would most certainly be the case, he could not for a moment postpone the decision; but rather prefer to fall with honour, than survive with infamy and disgrace.

The Duke of *Chandos*, after pronouncing a very high eulogium on the public and private virtues of his Majesty, and his good opinion of the laudable intentions of his ministers, though they had not been always attended with the wished-for success, said, he most heartily approved of the spirit and vigour which manifestly dictated the present measure. He made no doubt but it would be productive of more than one salutary effect. Besides disarming a pretended friend, but concealed enemy, from carrying their faithless and destructive schemes into execution, it would convince our open

foes of the fixed determination and magnanimity of this country. He acknowledged that our situation was perilous, and that opportunities might have been lost; but it was too late to take a retrospect, and nothing now remained to be done, but to call forth the whole resources and strength of the country, and employ them effectually against our enemies. It was in vain to contemplate the magnitude of the danger for any other purpose, but as it might suggest the means of surmounting it; and whether the treaty or project negotiated and signed by Van Berkel and the Congress delegate had been perfected, or formally approved of by the States General, was, in his apprehension, at this stage of the business, of very little importance. It was evident in every point of view, the matter could be impartially and rationally considered, that their conduct was such throughout as fully justified the measure which ministers had advised their sovereign to adopt.

The Marquis of *Rockingham* expressed his astonishment at the novel language which had prevailed that day on the opposite benches. The whole ministerial system of politics had been changed; opinion, suspicion, and vague and uncertain appearances had been substituted for facts, and motives urged or approved of for precipitating the nation into a war, which, he believed, never before influenced the decisions of a council of state in a civilized country. He was not, for one, much surprised at any absurdity which may have prevailed in his Majesty's councils, so long as the present administration retained their guidance and direction. His astonishment arose from a very different cause; from the sudden change of conduct in the same men, on the same subject, and that in so short a space of time.—He remembered, a very few years since, before France had publicly declared, when there were the most unequivocal proofs that she was secretly assisting America; that the constant answer made by the present ministers was, “it cannot be, for we continue to receive the most satisfactory assurances of not only their intention not to interfere in the dispute with America, but of friendship and good will.” Nay, after the French cabinet began in part to develope their intentions, by permitting their subjects to open a kind of commercial traffic, ministers continued to hold the same language; and finally, when the noble lord in the green

ribbon, then ambassador at the French court, sent home information of an actual treaty having been signed and solemnly ratified by the French king and the United States of America, ministers still affected to disbelieve it. They refused to give it the least degree of credit, though he was persuaded, if they were really serious, they must have been the only persons in Great Britain who entertained a single doubt of its existence: but that was not all; the treaty had been made for six weeks; and yet, in the interim, no step was taken in consequence; nor did ministers own that they knew any thing of the matter, though daily reminded and goaded in both Houses, till the very day that the count de Noailles, the French minister, delivered the rescript to lord Weymouth, then Secretary of State.—Here was the contrasted conduct of ministers upon similar occasions; not that they could be justly deemed so; for one was their conduct towards a natural enemy and rival power, the other towards an ancient ally; neither was it similar in other respects, for though ministers had the most direct proofs, not of the intentions of what France meant to do, but what she had already actually done, no notice was taken of it; whereas ministers, not having a tittle of proof of any kind, on the present occasion, of what Holland had already done, or meant to do, we waited in the former instance till France declared, by the mouth of her ambassador, the steps she had taken; and now refused the States General a few days to consider, as it might be fairly presumed, of the proper mode of giving the satisfaction desired, and of the means of doing it effectually.—There was another circumstance, if possible, to heighten the folly, and which aggravated the impolicy of the act, that the conduct of the States General was condemned in the lump, and sentence passed upon them without hearing what they had to urge in point of fact, or declare in point of intention. How could we pronounce, for a certainty, that the States General had the least intimation of the treaty which ministers had so confidently laid at their door? Was it not much more probable that they had not, as after a period of almost two years and an half, for aught that appeared, or was even pretended, not a single vestige of it could be traced. Was it not, if probability were to govern, more likely that the parties who devised and framed this project,

seeing no prospect of giving it effect, had cautiously concealed it; or even supposing the worst, that the governing power in Holland might have come to the knowledge of such a treaty, they had suppressed it in embryo, and passed the affair over in silence, from politic and prudential motives? Be this, however, as it might, taking the affair in any light, but as a treaty approved and ratified by the States General, he was clearly of opinion that the war was impolitic and unjust.

The Earl of *Coventry* said, he should not go into the question, further than just to observe, conformably to the measure proposed to their lordships, and to the laws and usages acknowledged and established by sovereign and independent states, that he doubted much of the justice of the war unless ministers had more full and relative information, and would consent to communicate it to their lordships; and he was more confirmed in his opinion, when he coupled the policy with the justice of the measure. He would not retribute on those persons who supposed, that every noble lord on the side of the House he sat, opposed the measures of ministers from improper motives. He hoped his conduct was such, as to exempt him from consciously applying any part of the imputation to himself; but whatever interpretation might be put on his conduct, when he expressed his disapprobation of the present measure, it was to him a matter of great indifference; he assured the noble lords that he trembled for the consequences when he considered the enormous amount of our debt, the immensity of our taxes, their extreme pressure upon the lower orders and laborious part of the community, and the further burthens which must continue to increase and accumulate, so long as the war should last.

The Earl of *Shelburne* rose and said he arrived in town but the night before, and nothing but the magnitude of the question under consideration could have induced him to come down to the House that day. He had long determined to absent himself from his attendance there, because he was convinced it was out of his power to render his country any essential service, as public affairs now stood, and as government was conducted. If his attendance that day had not struck him, as a superior call of duty, which could not on motives of honour and conscience be dispensed with, he assured their lordships, had he staid away, he should have been furnished

with a very cogent apology, namely, his having been attacked in the country with a violent illness; and he feared that in the course of the observations he was about to make, that circumstance would prevent him from giving the degree of attention which a subject of so much importance necessarily demanded.

He had, on former occasions, resolved to give their lordships and himself no further trouble respecting the misconduct of ministers, and the fatal effects of the measures which they had from time to time recommended to that House; he had hitherto faithfully kept his word, and would hereafter continue as faithfully to adhere to it. But a Dutch war! a war with Holland! as soon as it reached his ears, filled him with amazement. What, a war with Holland! with our ancient allies and natural friends! whose efforts and connections, for more than a century, have proved the chief security of both states! their surest and best safeguard! A war between those powers, who, while united, not only supported their own independence, but the liberty and independence of all Europe—the great preservers of the balance of power; a rupture between two states thus circumstanced, and thus allied, he could hardly give credit to; and when he did, it only served to fill his breast with a mixture of grief and astonishment! It benumbed all the faculties of his mind, and in its first effects, left no other impression there but wonder and amazement.

He assured their lordships, that he did not now rise to condemn ministers, or to point out the folly and incapacity which marked so strongly every single feature of their public conduct since our unhappy rupture with America. He could have no personal ill will to them; on the contrary, there were some among them for whom he entertained great respect; neither did he wish to succeed to any one of their situations. The responsibility and labour annexed to such situations rendered a succession neither desirable nor enviable, in his apprehension, at any time; but at such a period as the present, that man's mind must be strangely framed indeed, who, upon any pretence or temptation, could be induced to accept of any high or responsible office, when he must be convinced, that the happiest union of talents, integrity, and popular confidence, aided by the utmost vigour of mind and laborious industry, had not, even in ima-

gination, any thing on which it could securely rest; and when the most sanguine hopes and warmest expectations must build their proposed success more upon chance and a succession of fortunate events, than from a consciousness of real abilities, strengthened by national co-operation and united councils. But his wish to succeed to any of the present ministers was out of the question. Ministers knew it, and of course they would not deny it; they need not be told, that nothing could tempt him into so embarrassing a situation.

A Dutch war, he confessed, called him once more, and he believed for the last time, to that House; and while he was full of the strongest emotions that he ever felt upon any occasion of the kind, he found himself almost totally unable to proceed. The idea was immense, and the subject much beyond his grasp; he could take a view of this or that particular part of it; but when the subject presented itself together, it filled his mind in the same manner that he felt when he contemplated the national debt. He, or any of their lordships, could easily measure in their minds a few thousand pounds; more might be added, and computation might be pushed to a certain length; but when it was known that the national debt was swiftly approaching to the enormous sum of 200 millions, the mind became bewildered and clouded; even the powers of imagination failed; it resembled infinity of space, or infinity of duration, which only served to produce doubt and uncertainty. So it was respecting the Dutch war; reflection was at an end; investigation had nothing to examine. The more attentively it was considered, the less it was understood; and when the probable consequences it would produce presented themselves, it led into an ocean of doubt, alarm, apprehension, and mental distraction.

His lordship, in a general reply to what had been thrown out respecting party, said, that he wished not to be included in any such distinction. He neither was bred or trained up in party principles, nor had ever listed in any. He carefully avoided it, because he knew it would answer no good end; and experience had convinced him that he acted right. But it was ridiculous to suppose that there was any such thing as party now existing. There was not. There were numbers of persons in both Houses in opposition; but the result did not constitute a party. Op-

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position was composed of a great number of petty squads of individuals; but their conduct, if it aimed at any thing, had defeated the very purposes of an effectual opposition; and whenever they seemed to unite in opinion upon any important question, their attempts had always, and ever would, he ventured to predict, miscarry. It was in vain to oppose the measures of administration; the crown had gained an irresistible influence, which bore down every thing before it; the people and parliament had acquiesced, or, if any effort was made to stem it, it only served to prove the folly of the attempt; and that every struggle answered no other purpose but to augment that influence it was set on foot to correct and prescribe limits to; the consequence of which was, on the part of those who stood forth in opposition to government, that they were deemed criminal because they proved unsuccessful; they were publicly abused, and privately traduced; and even were disappointed of that species of consolation which every man, more or less, looks for, when he contends for the rights and welfare of his fellow-citizens, and by being held up by their opponents as the secret or avowed enemies of their country, and the factious and interested opposers of the King and his measures, had the additional mortification of being rendered, in some measure, unpopular. His full persuasion that this was the effect of the ineffectual struggle he had been for many years engaged in, was, he sincerely declared, his sole reason for absenting himself from his duty in that House. He had made up his mind the last day he had the honour of addressing their lordships on the subject; nor had he any reason since to depart from that resolution. He trusted that his friends would think it a sufficient one: if it should not appear to them in that light, he would have the consolation, that it brought the most full and perfect conviction home to his own mind.

The conduct which he had prescribed to himself this day, was by no means a departure from the rule abovementioned. He attended now as a privy counsellor in the great hereditary council of the nation, to offer advice to his sovereign, at a moment of national peril and distress. He had consulted no person, and was acquainted with the sentiments of only a very few. He knew his own, however, and would declare them fairly, openly, and without disguise. Before he ven-

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tured into detail, or the proofs on which he had founded his opinion, the general result of what he had learned, or could discover, was, that we should instantly suppress the manifesto, and endeavour immediately to return once more into a state of amity and alliance with the republic of Holland.

His lordship then proceeded to discuss the question on the grounds of justice and political expediency. In respect to the former, he contended that the conduct of administration was perhaps the most extraordinary that ever entered into the mind of man. The treaty signed by the pensionary Van Berkel was no more than a project to be hereafter entered into, and was besides conditional, or contingent. It was only to have effect upon a future event: namely, if the confederated states of America should hereafter be declared independent by the powers of Europe; but though it had been authenticated and confirmed by the States General of the United Provinces, it could not in any light be considered as an aggression, at least such an aggression as would justify the commencement of hostilities on our part. There were, besides, some other circumstances which rendered the paper much less offensive, for it was after parliament had offered terms very little short of American independency; and when the separate propositions of one of the American commissioners were added (governor Johnstone) which propositions, though denied in argument, or explained away, were never disowned by ministers in direct terms, the whole amounted, with what parliament had offered, to a state little short of absolute independence, so far as the sovereignty of the British legislature was concerned. But the main and only true question on which the measure of hostility was to rest, or be supported, was this: Was the treaty signed by Van Berkel and Mr. Lee, the Congress delegate, binding on the States General, and America, or either? If it was not, then he was authorised to say, that the treaty was not an act for which the governing power in Holland was strictly, generally, or equitably responsible.

Another consideration he begged leave to press upon their lordships' mind, which he hoped would meet with that degree of attention it seemed to him to merit. He would suppose the utmost that was stated; he would suppose that the States General knew of the treaty even before the trans-

action was communicated by sir Joseph Yorke at the Hague; and still further, that the postponing the complaint *ad referendum*, was either a denial of satisfaction, or something bordering upon it. This he would take to be the utmost point ministers could stretch, what they had been pleased to make his Majesty assert was an aggression on the part of Holland. He would not suppose it; he would take it for granted, because it was so stated in the manifesto on the table, the only authority upon which their lordships were desired to vote the address. Were, then, ministers as ignorant of the constitution of Holland as they were of every thing else which related to foreign affairs? Were they sure that it was in the power of the States General to give redress, much less punish the supposed delinquents? Were they so uninformed as not to know that the States General could not at all take cognizance of the affair, without consult and deliberation? It seems they were. He would tell them, imperfectly acquainted as he was with the constitution of the Dutch republic, that it was not competent for the States General, in their deliberative capacity, to exercise an act of sovereign power over any one of the other provinces, much less to overturn their municipal rights, or violate the laws. He believed the fact was notoriously known; at least history and experience, in a great variety of instances, confirmed it. It was notorious that some of the subjects of the republic sold powder and military stores to the French during the siege of Bergen-op-zoom, (a town that was the acknowledged key of their own dominions) and thereby enabled the enemy to take it: it was no less so that they were frequently detected in the same illicit traffic in the West Indies, upon other occasions, when they supplied the ships of their own and our enemies from St. Eustatia, and even at sea. But probably ministers forgot that Holland was a state composed of merchants, whose great view was to promote and extend their commerce, and that acts, which in other countries would be deemed of a very heinous and punishable nature, were there considered but mere venial offences: even allowing the contrary, his argument held equally good, as to the point of aggression; that it was not in the power of the States General to give a clear and specific answer to sir Joseph Yorke's memorial; nor even a promise to punish or redress any grievance which

might have been occasioned by the conduct of a person or persons amenable to the provincial states of Holland only, and exclusively answerable to the local tribunals within that particular jurisdiction.

The noble lord in the green ribbon had talked of the duke of Marlborough, and that great and magnanimous prince, king William, on whom he had bestowed such just eulogiums, and ventured to answer for them, that if they had been now alive they would act precisely as the present ministers had done. He denied the assertion to be founded, and spoke, he presumed, upon as good an authority as that of the noble lord, upon the authority of history—of what had really happened, not upon what might probably have happened. In the first place, he would contend, that the prince of Orange, as king of England, would never have broke with Holland, or have disunited a conjunction of power, which was the only barrier for the support of the Protestant religion, and the preservation of the liberties, or balance of power in Europe, against the encroachments and alarming ambition of Lewis the 14th, or now of the House of Bourbon. On the contrary, that great prince, as king of England, and while prince of Orange, conceived the interests of Great Britain and Holland to be the same. He carried this idea to its fullest extent, and all the real friends of both countries united in the same opinion. Since the first establishment of the republic, in the reign of that glorious and wise princess queen Elizabeth, this continued the prevailing idea in the British councils; unless in a few instances, when the exception explained itself—he meant the contest between England in the time of the Protectorate and Holland; and the two Dutch wars, in the reign of Charles the 2nd. Cromwell, it was well understood, knew little of foreign politics, and besides was led to connect himself with France, in order to support his usurpation. The wars in the reign of Charles the 2nd originated in the court, and from motives in which the nation had very little to do, unless it was to plunder both Holland and England, seizing the Dutch property, and diverting the public grants to private purposes. The present measure, he was persuaded, originated likewise from the court, and though probably not from the like motives, from others no less absurd, destructive, and disgraceful to the nation; as he should hereafter endeavour to de-

monstrate. On this ground he was supported by historical evidence to assert, that it had been the policy of the most able and honest statesmen this country ever boasted of, to cultivate not only alliances, and to form connections with Holland, but indeed the most inward confidence and friendship.

The noble lord in the green ribbon, when he spoke of what Marlborough and king William would now do, seemed to be totally ignorant of what they had done. The prince, though king of England, and stadtholder, was repeatedly informed, that several of the subjects of the United Provinces corresponded with his enemies, and supplied France secretly with military stores for carrying on the war. He had evidence of it from their written correspondence, on various occasions. He complained in his double capacity, as king and stadtholder, but was obliged to sit down contented, without obtaining redress: nay, more, he once got a packet into his hands directed to some of the principal traitors, who were burgomasters, and was obliged, in his magistratical character, to lay it unopened before the States General, who, after the fullest evidence of the fact, suffered the whole to pass away unnoticed, without even censure, much less punishment or public disavowal. At this time, nevertheless, Great Britain and Holland were contending for their all, their respective religions and liberties, against Louis the 14th, then in the zenith of his glory. When, therefore, noble lords talked of satisfaction, punishment, disavowals, &c. he could not help smiling, particularly when this language was supported upon the great names of Orange and Marlborough, the latter of whom, as well as the former, while he was pulling down the formidable and alarming power of Louis the 14th, and procuring a barrier for Holland, was well apprized that many of the subjects of that republic were concerned in transactions, which, in the language of the royal manifesto, the message, the proposed address, and the noble viscount who moved it, would have been deemed an aggression sufficient to justify a declaration of war; yet the latter, that immortal hero, Marlborough, was so pusillanimous and wretched a politician as to continue to beat, year after year, the armies of France, and to fight the battles of a nation of secret traitors, and unprincipled republicans!

On the other part, the injustice of com

mencing hostilities, he was no less full and explicit. He said it would root the deeper the increasing jealousy, and confirm the general odium which had prevailed all over Europe, on account of our conduct towards France, previous to the declaration of the last war; proofs of which he was witness to when he travelled on the continent, in innumerable instances. He was, it was true, well received by certain persons, but whenever the steps taken in respect of the seizure of the French ships happened to be mentioned, it was either condemned in the most pointed terms, or, if people remained silent, a mixture of horror and indignation seemed to be apparently painted on their countenances. At a latter period indeed, when the brilliancy and rapid succession of our successes raised the name of Briton to the highest pinnacle of fame and military glory, they dazzled the eyes of the multitude, and in some measure sanctified the means by the end: but even then, when men reasoned, he could perceive either in the words or actions of those he mixed with, a secret, or public disapprobation, indeed, of detestation, of the first beginnings of that war. All Europe was hurt and alarmed; we were called a nation of pirates and public plunderers; and it created, he was persuaded, the seeds of that jealousy, the unhappy fruits of which have been the principal cause that one half of Europe are in arms against us, and the other half remain inactive, and express a kind of silent pleasure at our approaching downfall.

But what was the conduct which created the jealousy, indignation, and secret ill-will, which he had been describing? Nothing, when compared with that which ministers had now advised their sovereign to adopt—though war had not been formally declared against France, hostilities had commenced in the eastern and western world—[In the East-Indies in 1753, and in the back part of Virginia in 1754, where Washington, then a major of a Virginia militia regiment, with some regulars, to the amount of 300, were made prisoners.]—Yet so careful was the British cabinet not to give cause of complaint or jealousy to the neutral powers, that they ordered the ships and cargoes to be laid up and preserved, or where the commodities were perishable, to be sold and held till the end of the war, for the benefit of the respective owners, which intention was afterwards punctually carried into execution.

This was the cautious and equitable conduct of the wise and honest ministry of George the 2nd. Now for a minute compare and contrast it with that of their present successors. In a time of the most profound peace between the two states, allied by treaty, friendship, and common interest, without any hostile appearance or preparation on the part of Holland; in the midst of the most perfect security and confidence, as well upon the faith of subsisting treaties, as under the universal and established customs current among, and acknowledged by, every civilized nation on the face of the earth; upon an uncertainty at the best, and so far as appears, upon the most shameful pretext imaginable; what has been the decision of the British cabinet? To seize all Dutch ships, whether of private or public property; whether under commercial protection, or drove in by stress of weather, or the threatened destruction of the elements:—and what next?—it may be supposed to compel justice, if withheld; to procure satisfaction for some insult; to indemnify our own subjects; and to retain the property thus seized and withheld till the object, whatever it might be, should be attained.—By no means:—but to the disgrace of the country, to the total dishonour of its councils, and in direct violation of all laws, whether of nations, of nature, of public honour, and private faith, the ships and cargoes are seized, not to be retained, but confiscated for the joint advantage of the captors and the state; and what is worse than all, a commandment given to render the municipal tribunals the instrument of legalizing an act, which is equally repugnant to every law now existing in the written codes, current, or of authority, throughout Europe. Besides the injustice of the act, as a matter of state, it was a manifest imposition on the whole nation. It tended to mislead the public, by inflaming it with ill-founded resentments; and to gain the approbation of individuals, with a prospect of acquiring property to which they had no title, but what was founded in force and plunder.

But as he said when he first rose, that we ought, in his opinion, to endeavour to tread back the steps which led us into our present situation, and at all events seek to effect a reconciliation, so he was clearly of opinion that it was not yet too late. An opening, and a favourable one, still presented itself, if the news-papers were to be depended upon, which was the only

species of information the noble viscount seemed willing to give their lordships;—it was all their lordships were likely to have;—it was all the information he had himself. The province of Zealand, as stated in the Dutch Gazette, declared a desire of peace, and hoped it was not too late, but might be yet effected. It was the duty of ministers to improve that disposition towards reconciliation. He doubted not but it was still practicable; and as the only prospect of procuring the salvation of this country, and relieving it from the insurmountable difficulties which surrounded it on every side, he earnestly recommended it to their most serious attention. There was, it was true, one great impediment which stood in the way, and which the folly and precipitation of ministers had been the cause of. So far the scheme had answered the purposes it was intended to serve: the Dutch were called traitors and secret enemies, in order to bring upon them the public odium; the dignity and honour of the crown described as being openly wounded; the salvation of the state, say ministers, is deeply interested in the most sudden and decisive exertions against our new enemies; and to give the whole the more certain success, individuals are called upon and invited to share in the plunder; their fortunes are to be made by the ruin of an innocent people, and that merely on account of the particular conduct of a few factious persons. The alarm is struck, the sound is instantly conveyed to every corner of the kingdom, and the people are conjured to concur and assist in the general proposed destruction of a misrepresented people. Ministers, like the parsons on the sea-coasts, piously point out the booty; one party are detached here, another there, a third by a particular path, and all exhorted to repair to the wreck, in order to partake of the plunder. No person waiting or hesitating to assist in the general ruin, or making it a case of conscience.

The impediment which stood in the way of reconciliation and to which he alluded, arose from the impolicy as well as injustice of the measure—that was issuing letters of marque and reprisals, and of course ordering the Dutch property to be confiscated. This, he was ready to confess, would throw a strong bar in the way of amicable adjustment; because the public faith of the nation was pledged to the private captors, and a property vested in them by law, which could not now be re-

claimed upon any other condition short of giving them an equivalent. Be that, however, as it might, so great was the object, in his mind, of an immediate reconciliation with the republic of Holland, that though the difficulties were greater than they seemed to be, and the expence of redeeming the prizes already made, by giving satisfaction to the captors, were double, nay treble what it was; he was clearly of opinion, that no step, industry, or management, should be left untried, in order to regain if possible the friendship and alliance of Holland, or at all events to promote a friendly neutrality.

In the course of his lordship's argument, he observed, that sovereign states were extremely ignorant of the municipal laws and internal regulations which prevailed in other governments; and particularly so in respect of Great Britain and Holland; the latter of which was notoriously known to be the most intricate and complicated in its movements that ever existed. He recollected an instance, which happened to himself, when he had the honour to be secretary of state for the southern department. It was in the case of the Spanish jesuits, who were supposed to possess a very considerable property in our funds, which their sovereign, when he had dissolved that order, and confiscated their property within his dominions, wished to seize. The Spanish minister made repeated applications to him on the subject, by the direction of the king his master. He was astonished at the request, and endeavoured to convince him of the total impracticability of complying with it; the constitution would not permit it, for the laws were so strong and specific against it, that even the property of a traitor could not be attacked in the manner desired. But all his endeavours were in vain. The ambassador (prince Masserano) though an able and worthy man, could not be persuaded, but the court of Great Britain were favourably inclined to the Jesuits; and that we could have easily granted, what, upon motives of concealed policy, he presumed we had refused.

His lordship having explained very fully his opinion relative to the injustice of commencing hostilities against the Dutch republic, considered the measure on the other ground, that of expediency; and entered into a comprehensive view of the state of the nation. He laid it down as a proposition, to which every noble lord who heard him must assent, "that all the public

misfortunes which the nation had already felt, and the many more which it was in all probability doomed to experience, were caused by the American war," which war was the native offspring of ministerial ignorance, obstinacy, and want of political principle. It had for its immediate object the increasing the influence of the crown, and the power of the sovereign. It was conceived in ambition; it was nurtured by folly and rashness; it was founded in ideas totally subversive of the British constitution; it was unjust and wicked in the extreme; it was carried on with violence and want of prudence; and prosecuted in all its parts, with the most unrelenting and unheard of cruelties.

His lordship confessed, in respect to the recovery of North America, he had been a very Quixote, and expected, because he most anxiously wished, that our colonies might be prevailed upon to return to their former state of connection with this country. He had indeed pushed his expectations further and longer, he believed, than any impartial person, informed of all the circumstances both here and in America, the present administration excepted, ever had: but his hopes had long since vanished. He had waked from those dreams of British dominion, and every important consequence which he flattered himself might be derived from them. But as in the course of what he might have urged in favour of those delusive hopes, and vain and idle expectations, some expressions of a loose, general, and indeterminate nature, might have fallen from him, he wished to be perfectly understood. Much as he valued America; necessary as the possession of the colonies might be to the power, glory, dignity, and independence of Great Britain; fatal as her final separation would prove, whenever that event might take place; as a friend to liberty, as a reverer of the English constitution, as a lover of natural and political justice—he would be much better pleased to see America for ever severed from Great Britain, than restored to our possession by force of arms, or conquest. He loved his country; he admired its political institutions; but if her future greatness, power, and extent of dominion were only to be established and maintained on the ruins of the constitution, he would be infinitely better pleased to see this country a free one, though curtailed in power and wealth, than possessing every thing the most sanguine expectation could picture

to itself, if her greatness was to be purchased at the expence of her constitution and liberties.

To the injustice of the war, in every point of view in which he had considered it, his lordship said he would descend to such particulars as appeared to him to apply to the present question, so far as it was a measure of expediency. Look at New York; what has been done there? Nothing, or worse than nothing; the commander in chief hemmed in on New-York island, and its vicinities; not a single blow struck there for these three last campaigns, nor in that part of America, but the shameful retreat from Philadelphia, when the general escaped with his whole army, rather by chance and the misconduct of the enemy, than by the natural ability of the force under his command. Sir Henry Clinton is a brave and experienced officer; but sir Henry Clinton cannot perform impossibilities. Three campaigns have passed away since, and nothing has been done but a few predatory excursions, which are a disgrace to the army, a disgrace to the counsels which have directed them, and, I may add, a disgrace to the whole English nation. Nay, instead of gaining any advantages, or making any conquest, Rhode-Island has been abandoned; and if report may be credited, the next measure will be that of abandoning New-York, and then you will not have a foot of land but Carolina, and what prospect there is for retaining that, I shall, as I proceed, a little further, take notice of. I have heard, from tolerable good authority, that New-York must be abandoned unless the requisition of the commander in chief be immediately complied with; and when I tell your lordships what that requisition is, such of your lordships as have not been informed of it will think with me, that the evacuation of New-York is unavoidable. Sir Henry Clinton has written home for 10,000 men, and has added, that he cannot stay so as to answer any good purpose, if that reinforcement be not sent out to him early in the spring, nor he fears at all, if favourable circumstances should arise on the part of general Washington, such as loans, further succours from France, &c. Will ministers say that they are preparing to send out such a reinforcement? They know the contrary; they dare not;—they cannot. What, 10,000 men! I will venture to maintain, and am able to prove, and I say it in the hearing of the noble lord (Amherst) who if I am wrong has

it in his power to contradict me, that to defend the whole island we have not above 15,000 men, exclusive of the militia. If then, added to the threats of France and Spain, who I have some reason to fear are meditating an attack on our coasts, we may expect a predatory war to be carried on by Holland against the eastern coasts of this kingdom; I believe it will need very little argument, and less oratory, to satisfy the noble lords who hear me, that a length of near 1,500 miles of coast will call for the whole of this remnant of an army to defend it against the eventual incursions, debarkations, &c. which that very circumstance alone may suggest to our enemies; a circumstance which they are no strangers to, though I should not be surprised to hear some noble lords rise, and with a very grave face accuse me of conveying improper intelligence to the enemy. There was, indeed, a time when an army to defend us against our enemies was in a manner useless to us. I mean when we were in possession of the dominion of the sea, when we could with perfect security spare the last soldier to conquer in every part of the globe. Will noble lords tell me that that is the case now? No! I think not. Confident as ministers are, bold in his assertions as the noble earl over the way, who presides at the head of the marine establishment, is, he will hardly hazard the assertion, when I say, that the dominion, not of the ocean, but of the narrow seas, our own very channel, was lost, when the French took possession of it last summer was twelvemonth, and our flag for ever tarnished and disgraced, when our channel fleet took shelter in Portsmouth harbour, and secured itself by flight from a superior and pursuing enemy. What has been the disgrace which has lately happened? The noble earl may take it either way. We were not in force to meet the enemy in the Bay, but permitted them to convoy one of the richest and most valuable trade fleets that ever entered into the ports of France, without so much as an attempt to interrupt them; or being superior to D'Estaing, our ministers, in their usual bungling, incapable manner, gave orders to the commander of the British squadron not to risk a battle. This is a circumstance no less melancholy than disgraceful. I speak only from public report: administration are censurable at all events; if the news-papers may be depended on, which form the great source of intelligence recommended to your lordships

by the noble viscount in the green ribbon.

Be these circumstances as they may, I believe there is not one of your lordships who is not fully persuaded, that France and Spain, without Holland, are an overmatch for us at sea; and, consequently, that the defence of this island rests entirely upon the militia and the army. Army, did I say? We have no army; our army is in fact annihilated. The noble lord in the red ribbon knows, and will acknowledge it; and I will tell your lordships why, and how it has been ruined. It is the raising new corps that has ruined it. The recruiting service is at an end: it is no more. Men cannot be had. Why so? The very means to augment it has been the cause; and the motive for adopting the measure of the new levies, a most infamous and destructive one, must stare every one of your lordships in the face. I say, you have no fleet able to face your enemies. I maintain you have no army even equal to the home defence; and I am authorised to conclude, from these premises, that America is lost beyond any thing resembling probable expectation, because you cannot spare the reinforcement thought necessary by the commander in chief for carrying on successful operations during the ensuing campaign.

But if the northern and middle parts of the colonies be abandoned, what prospect have you to the southward? A very poor one indeed! I know the officer who commands there; I love him; I admire him; I revere him. We have been old friends and brother soldiers. We served under the same great master at an early period of our lives. I am sorry I cannot say that I profited much by that great officer's instructions or example. I know that lord Cornwallis is a no less zealous, than a brave, active, and judicious officer. My personal esteem for his lordship makes me lament some things which have happened. I know that he is no less humane than brave; and I am therefore inclined to presume, that the cruelties exercised in his name and under his authority, never originated with him. I am persuaded his mind is of another texture; that he never could have acted upon his own judgment, when he authorised those severities; but he has been obliged to comply with the orders received from hence. It fills my mind with horror, and I tremble for the consequences, when I know the resentments and detestation it will create in the minds of the people of America; and,

if possible, still more, when I reflect on the melancholy situation of those gallant officers and soldiers, who will fall victims to what their enemies will deem a just and necessary retaliation.

But what is the situation of lord Cornwallis? Why, after a combination of circumstances, improved by a series of conduct, which the greatest veteran officer might be proud of, he totally defeated the enemy. But what then? For want of force, he has been obliged ever since to act upon the defensive. A very considerable part of his army has been surprized, and the whole either taken prisoners, killed, or dispersed; so that by this time, in all probability, his lordship has been compelled to retire to Charles Town, and relinquish all the advantages which he had good reason to promise himself from the victory at Camden, or is waiting for reinforcements from New-York. This, in my opinion, is the state of your affairs in America; and by what I can learn from the newspapers, the expedition under general Leslie has failed, or worse than failed; for though the general met with little or no opposition in Virginia, the manifest spirit and disposition of the inhabitants of that province portends something no less fatal than actual defeat. The people, I understand, fled on all sides for want of protection; but not a single person, after all the predictions of a noble lord in the other House (George Germain) came in under the royal standard, or claimed the protection held out by the proclamation. Taking, therefore, the whole of the American war, as connected with the present question, I look upon America as irrecoverably lost.

The noble viscount in the green ribbon has predicted many signal advantages which will be derived from the rupture with Holland. He tells you that they will be stunned into their senses. I assure his lordship that I much fear that they will. I fear that the Hollanders will feel the just sense they entertain of our unprovoked violence and piratical acts; for I shall never consider the captures made of their ships, in a time of profound peace, in any other light. I fear they will feel the most warm and well founded resentments, and that those feelings will suggest the most vigorous means of retaliation. The noble viscount builds mightily upon their unprepared state, on their inability to defend themselves, or act offensively. He says that their coasts and floating property are

at our mercy; that their subjects in the East and West-Indies are totally unapprized of the approaching rupture, and that they are of course naked and defenceless. I suspect the noble lord to be as ignorant of the expediency of the war, as he seems to be totally mistaken respecting the justice of it. Does the noble lord know in what state of defence the Dutch possessions in the eastern and western world are? I think I may venture to assert, his lordship knows exactly as much concerning that, as he does of the spirit and disposition of the people whom we are about to contend with. The Dutch, though a commercial, are nevertheless a brave and courageous people. They have ever opposed tyranny in every shape it has shewn itself, and perhaps in their first struggles against Spanish cruelty and Spanish oppression, manifested proofs of magnanimity, courage, and heroism, not surpassed if equalled by the most renowned nations of ancient or modern times. I need not deduce a series of facts, in confirmation of what I now assert. The history of the two Dutch wars in the reign of Charles 2, affords sufficient proofs, not to mention many instances of a later date, during the reigns of William and Anne. The Dutch, it is true, are merchants, and sea-faring people by profession; but it is well known, that we have, as well as France, transformed them into seamen and soldiers, when oppression and injustice rendered it necessary for them to bear up and resist their enemies and oppressors.

The Dutch are still the same people. It is true they have all their war establishments to arrange and new model, that they want naval officers; but give me leave to say, not in the degree that persons uninformed may imagine: as I understand, that several officers of that nation are now in the service of some of the naval powers of Europe, and will of course be called home to defend their country. Yet granting the argument of a want of experienced officers to be pushed to its greatest extent, what does it amount to? No more than a temporary want. Unless in the single instance of the short naval experience gained in the contest with this country during the Protectorate, the people of Holland had remained in a state of profound peace for more than half a century; yet when the war broke out in 1665 with England, there appeared no want of able officers and skilful commanders. The fact was, that almost every man in the commonwealth

became a soldier or a seaman; nay, persons totally unfit, by habit and profession, stood forth and changed the gown for the sword. Among the rest, the great Cornelius de Witt took upon himself the command of a grand squadron, and fought one of the most bloody naval battles which happened during that war.

The noble lord supposes that the possessions of Holland must fall; but I cannot see by what means. If they should fall, they must surrender from choice, not necessity; for while France and Spain continue to remain masters in the European seas, the Dutch cannot possibly have any thing to fear at home, and I believe, as little out of Europe as in it. We have already too much business on our hands, and though we had fleets to spare, where are the troops necessary for the prosecuting of offensive operations? The truth is, it is we that ought to be alarmed for our possessions, not Holland for theirs; and should Holland unite with France and Spain in attacking us in the East or West-Indies, I cannot see, instead of meditating conquest, how it will be possible for us to maintain our own dominions out of Europe.

His lordship further maintained his general argument upon the probable conduct of the northern, or neutral powers, particularly the probable conduct of the empress of Russia, who, he believed, would consider herself as bound by positive, or implied engagements, to assist Holland, thus treacherously attacked; not on account of a pretended treaty, not executed under any authority, nor ratified even by the authority under which it was framed, but really for having entered into a neutrality proposed by the court of Petersburg to Holland, and the other powers of Europe not engaged in war. He should not be surprised to hear similar arguments to those used by the noble viscount in the green ribbon, urged with all imaginable solemnity and confidence; "that it was not the interest of the Russian court to break with us; that it would be unjust, and impolitic; that honesty was the best policy; that it would be madness in the court of Petersburg to involve themselves wantonly in the quarrel; and to the last degree ungenerous in us, so much as to harbour such a suspicion, &c." He remembered very well, not long since, to have heard the noble viscount assign the same reasons exactly respecting Holland, at the very time, according to his lordship's account of this day, they were ac-

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tually entering into a treaty with our own subjects, as an independent sovereign state; after they had given protection to a rebel pirate; after they had been assisting our subjects in open arms against our authority, with ammunition, stores, and all the implements of war. When this kind of reasoning, which applied equally to no case and every case, was resorted to, he wished noble lords to give it that degree of weight, attention, and credit exactly which it deserved. He had heard, indeed, the noble viscount make use of the same arguments before Spain declared, and before that period, in respect of France. He heard his lordship do the same while Holland was acting the hostile and unfriendly part, which his lordship had described in such strong and vehement terms, which, he said, so deservedly merited the most exemplary chastisement, and which was the only colour of argument that could be opposed to the probability that Russia would eventually become an enemy in the present quarrel with Holland, as a member of the armed neutrality. But in this, as well as every other instance, in which the dignity, reputation, and most essential interests of the country were concerned, what were the documents to which their lordships were referred? They were desired to put their whole confidence upon—what?—upon the English news-papers and the Dutch gazettes! To answer ministers then upon their own authority: if either might be depended on, the Dutch had already acceded to the neutrality in due form, by their ministers sent to the court of Petersburg for that purpose; and the empress in due form accepted of their accession. So that instead of only France, Spain, America, and Holland, we should shortly have Russia, and in due time all the other members of the armed neutrality, to contend with, and of course every neutral naval power in Europe, Portugal excepted, combined or unnecessarily driven into measures which must ultimately terminate in our total destruction, as a sovereign, independent state. Even Portugal began to shew a disposition extremely unfavourable to our interests, and he had good reason to believe she would in the end prove as inimical as the rest; a predicament hitherto unexampled in the history of mankind, that of not having a single port open to us from Gibraltar to the North Pole!

He perceived that the noble viscount

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laid particular stress upon the treachery of Holland; that is, he took the matter relative to the treaty, upon presumption, to be true, and afterwards drew conclusions from that presumption equally ill-founded. He said, the Dutch had not only been guilty of an aggression, but their ill-conduct was highly aggravated, because they committed the act while they claimed the privileges annexed to a state of presumed alliance and friendship. To the fact he had already spoken; on the conclusion drawn from its supposed existence, he would just observe, that the alliance between this country and Holland was no more; it was vacated by the very persons who stated the act as a breach of faith. The present set of ministers had themselves declared the subsisting treaties between Great Britain and Holland to be dissolved by a paper delivered by sir Joseph Yorke to the States General in 1779, and yet had the modesty to accuse Holland of a breach of treaty no longer in being. However light ministers might make of this formal renunciation, or artful they might be in their attempts to gloss it over, that circumstance might be productive of more serious consequences than they foresaw, or were willing to acknowledge. If Holland was free from her former engagements to Great Britain, most clearly she stood in respect of us as the other neutral powers of Europe did, which of course entitled her to form fresh engagements with any other power she pleased, or to accede to the armed neutrality for the protection of her commerce; consequently, if the universal report was true, that Holland had acceded, she would most certainly be entitled to every protection, security, and privilege enjoyed, or to be claimed by the rest of the contracting parties, namely, Russia, Sweden, and Denmark.

The *Lord Chancellor* observed, that it was by no means his intention to travel after the noble lord through the wide and extensive circle he had been pleased to describe—from Quebec to New York, thence to Carolina; in short, over every foot of ground in North America, now under the immediate dominion of the British crown, or which was withheld from us by force of arms by our foreign enemies, or rebellious subjects. He was as little disposed to trace the footsteps of the noble lord nearer home, from Gibraltar to France, and so on to Holland, Russia,

Sweden, Denmark, &c. If, however, in the course of what he had to submit to their lordships, any point should strike him, or any circumstance recur to his mind in which he should have the misfortune to differ from the noble earl, he would think it his duty to take notice of it. He was perfectly aware of his own insufficiency to contend with the noble lord in the great line of politics. His studies had been directed another way. When, therefore, he found himself under a necessity, arising from conviction, to controvert the noble lord's arguments, he should do it with that diffidence which became a person under the predicament in which he must be supposed to stand; he would, nevertheless, declare his own sentiments without reserve, deeming it the first duty incumbent upon him, to speak or act upon those motives and reasons only which had brought home conviction to his own mind.

His lordship observed, that the question which in the event of the present debate he would be called upon to put to their lordships, was simply this: Whether the motion for the Address, or the motion made by the noble duke, should first receive their lordships' approbation? This brought the point really and truly in discussion, within a very narrow compass; for most clearly it was in that shape, and that shape only, the question presented itself to their lordships, however loaded it might have been with collateral and extraneous matter, or ably discussed by several noble lords who had expressed their disapprobation of the question originally moved. To that point he should specifically direct what he now had to offer.

What, then, was the state of the question on this ground? His Majesty had sent a message by a noble lord high in office, accompanied with certain papers. The former acquaints their lordships, that his Majesty found it necessary to direct letters of marque and reprisal to be issued against the Dutch nation; the latter contains an account of certain transactions which passed between our minister at the Hague and the States General, which induced his Majesty to adopt that measure. Now, in point of precedent, he believed there was not a single instance in the records of parliament in which any other matter was permitted to be introduced between the answer to a royal message and the determination of the House upon its contents. It appeared, as far as

he could learn, that no precedent of the kind existed to the contrary, but that the usage of parliament had at all times given this decided preference to communications from the throne. Yet supposing that the present case was totally a new one, that from its novelty, or importance, it was entitled to be taken out of the general rule, the arguments urged in favour of the exception he presumed should be sufficiently cogent and conclusive to shew that it came under that description.

This led him to the principal, nay the only ground or argument on which the noble duke's motion was attempted to be maintained. It had been said that the documents on the table were not such as justified the measure; consequently, that either other papers ought to be laid before the House, to satisfy their lordships that the real facts and transactions justified the measure; or, that the message upon the documents submitted to the House was not such as entitled it to their lordships' concurrence. It would be needless, he presumed, to press the answer to this mode of reasoning to its full extent, the usage being clearly against it; but the argument urged to induce the House to depart from this general rule is this; that the papers being deficient, the whole matter will ultimately be decided upon should their lordships now consent to agree to the Address, and those noble lords who disapprove of the measure, as grounded upon the letters on the table, will hereafter be for ever precluded from giving any opinion on the subject, being bound by the forms of parliament to the approbation of the present measure, though not justified by the documents upon the table.

Were this the real case, he confessed, that the uniform acquiescence in messages from the throne, or rather the preference such messages always had in the contemplation of parliament, would, on many accounts, prove extremely inconvenient, and be subversive of that unanimity, so necessary to the successfully carrying on the business of government. But he begged leave to say, that was not the case; nor did such approbation, as precedent had established respecting royal communications, bind in substance such noble lords as were only bound in form, and who had acquiesced merely in compliance with the customary mode of parliamentary proceeding; for every noble lord who thought the information on the table defective or

incomplete, relative to the justice or expediency of the measure, would be as much at liberty to move for further information, as if he had never given a vote on the subject. He would neither be precluded nor bound by his vote of this day, but might, as soon as the present question was disposed of, or at any future or more convenient time, rise and move for any papers he thought proper.

On the ground, therefore, of established usage and uninterrupted precedent, he should most certainly be against letting in the motion made by the noble duke, in order to give it a preference to an address moved in answer to a royal message. It was a respect due to the crown which had never been refused. In another point of view it amounted to a negative; it was a motion to postpone in the first instance, in the way of a previous question, if he understood it right, and, in fact, might be considered as a refusal on the part of their lordships; for certainly, if the noble duke's question should be carried, it would directly import a degree of censure on the measure. It would amount to this; that his Majesty had exercised his prerogative of declaring war without just cause; or if he had a just cause, had declined to inform their lordships of his real motives; either of which, in his opinion, would have been extremely indecent and improper.

When he made use of his Majesty's name, he wished to be understood as holding the language of parliament and the constitution. Whatever steps had been taken, could be only imputed to his ministers. They were their acts for which they were responsible, and by which they alone must abide. Nevertheless, though they were liable to be called to an account at a future time and in a proper manner, the conducting of the affairs of government made it absolutely necessary that the trust committed to their care should be presumed to have been faithfully and properly discharged, till the contrary were proved: besides, it would be impossible to conduct the affairs of the nation for a single day, if the advisers of the crown were to be employed in defending their conduct at the very instant it was announced. The crown, it was acknowledged, had the power of declaring peace and war; so far its advisers had acted under authority respecting the present measure; if that power had been unskillfully or corruptly exercised, those who had advised his Majesty would be still as

amenable to the judgment and censure of parliament, if they should be found to deserve it, as if no such vote as that proposed by the noble viscount had ever received the approbation of the House.

His lordship having argued this point very ably, which, in his opinion, was clearly decisive of the question immediately before the House, said, that he thought it his duty to take notice of several matters which had been strenuously urged by some noble lords near him. He observed, with much pain, that noble lords, not contented with condemning the measures of administration as they were supposed to affect the interests of the nation, had industriously called their capacity into question, mixing, at the same time, strong personal allusions relative to their supposed want of integrity, as well as talents; and in fine, upon many occasions general and specific, imputing their conduct to motives originating equally in weakness and wickedness. They did not even stop short there in their personal invectives; they confounded and transferred the presumed delinquency of individuals to government itself. "The government was upheld by corruption; the measures advised by ministers were wicked and unjust." A necessary resistance to the insidious attempts of our enemies was branded with the odious names of piracy, robbery, rapine, and public plunder. He was sorry to hear such language in that House; he felt most disagreeably, upon a variety of accounts, which he should just slightly mention, and upon none more than the notorious indecency of such expressions. He ever thought, and ever should think, that even independent of the established order of their lordships' proceedings, no language ought to be used in that House, but what might pass current among any other society of gentlemen; and it hurt him greatly when he saw that rule departed from. These general invectives had a particular evil tendency; they were productive of bad example, and he believed those who used them frequently felt the inconveniences resulting from them, being free to declare, that he believed they were in general ill-founded, on which side soever they came, or to which side soever they were applied; and he, once for all, appealed to the noble lords themselves, whether they were not conscious of the injustice of the imputations thus thrown out? He would upon this head just add, that he hoped noble

lords near him would give him credit, when he disclaimed any intention of a partial application of the remark; he made it with no such intention, he wished the observation to apply indiscriminately for the purpose of reaching every part of the House, or not at all; for he solemnly protested, that he thought the abuses daily thrown out upon them without doors, were equally false and ill-founded with those to which custom had given a kind of sanction within. He hoped, therefore, as well in regard of the high rank they bore in the state, and the respect which was due from each individual lord to the other, as for the sake of example, that noble lords would abstain from every thing which bordered on a stile of asperity and accusation, and from criminary and re-criminary expressions, which while they tended to lessen the dignity of their lordships' deliberations, held out an encouragement to the lower orders of the people to transgress in the same manner.

Government, said some noble lords, is upheld by corruption. To say no worse, this was not a language fit to be held in that House, because the majority of that House hitherto supported the measures which had been thus strongly censured. It implied an accusation of a very heavy nature, not directed exclusively against ministers. The language of debate, where ministers only could be affected by charges of this nature, admitting of a latitude of speech, might in some measure be allowable, and in some possible cases not improper, but when this was pushed further against those who supported the measures, as well as the ministers who devised them, it amounted to an accusation of a very serious nature, and was therefore extremely indecent, and totally unjustifiable, unless those who urged them were ready prepared to prove the truth of their assertions. It was expressly, if he rightly comprehended the arguments, raised upon such random assertions, meant to bear upon their lordships as well as the immediate agents and actors;—he meant the ministers who recommended the measures, and the noble lords who supported them, and who were in the instance to which he was alluding charged directly with corruption, or of being influenced by corrupt motives. He should submit the impropriety of urging charges of so deep and criminal a complexion, which from their nature were so difficult to be refuted, and so easy to be made, even without a possibility of detec-

tion; but what proofs did noble lords deduce in the support of those accusations? None at all. They contented themselves with urging them in loose, indefinite terms, and thereby endeavoured to involve government in a general odium, and of course to add embarrassments to those which naturally attend every government in time of war, and this in particular, now labouring under peculiar circumstances of difficulty and distress;—perhaps such as were never before experienced by any other nation.

If noble lords meant that their accusations should pass for no more than their current and intrinsic value, upon the general idea, that every opposition to government is always well-founded, and that every administration is equally in the wrong; that every opposition arises from sound patriotism, and every administration is carried on by the means of corruption, the matter would hardly deserve a single animadversion. That, in the present instance, was not the case; particulars had been stated; specific charges had been made. Ministers had not only been accused of weakness, wickedness, and corrupt motives, but the effects of their conduct had been painted in the most overcharged colours respecting foreign powers; the injustice of their conduct towards Holland had been held forth under the description of piracy and robbery. This country had been confidently affirmed to be in a state of imbecility. Her councils described to be weak and wicked; and her power of resistance, or offensive operation, totally annihilated:—that is, our enemies are told, that we have made war upon them from the worst motives, and after inflaming their passions, they are invited to do themselves justice against a people, so far from being formidable as an offensive enemy, as to be totally unable to defend themselves. He would submit to their lordships, whether this was a language fit to be used? whether it was prudent or politic? or whether, to balance the great evil it might be probably productive of, it promised, or could promise any advantage? There was besides a very obvious conclusion, which might be fairly drawn from this stile of argument and accusation, that it laid a foundation for a claim of a monopoly of all the public virtue and talents in the kingdom: he was as ready to acknowledge, as any of the noble lords might be to make, their claims to public virtue and talents; but

surely, their own good sense, their discernment, and their candour, would all unite in inducing them not to exclude the just pretensions of others.

It was not even the bad effects of what he had been animadverting on within those walls, or elsewhere, within the island, which was the reason of his expressing so anxiously his wishes that nothing of the kind had passed. Experience had convinced him, that every thing which passed in that House soon made its way to the continent, and was turned to our disadvantage, and, in some instances, had been productive of the most fatal consequences. He had flattered himself, that at so critical a juncture, every discourse which might in its tendency either lead to put our enemies on their guard, or serve to direct their attacks against the vulnerable parts of the empire, would have been carefully abstained from. He had indeed presumed to give a hint of that kind early in the day, and hoped that noble lords would endeavour as much as possible to steer clear of extraneous matter, and confine themselves to the question. Unanimity was most devoutly to be wished for; if that, however, could not be attained, it was no very unreasonable expectation to have formed, that noble lords would refrain touching upon matters which might serve to put our enemies on their guard, or inspire them with expectations of success, on a confidence of our weakness or inability, either to annoy them, or defend ourselves.

Several arguments had been urged to prove the injustice and precipitancy of the resolution of issuing letters of marque and reprisal. Three points had been specially insisted on, in order to prove the injustice of our conduct towards Holland; one was, that the treaty on the table was not binding on the republic, or any part or parcel of it; the second, although it had been binding, that the aggression could not be considered as an act of the seven United Provinces; and lastly, that the treaty was neither acknowledged or ratified, because it was no more than a project to be taken up and carried, or not carried into execution, upon some future day, merely at the free will of the negotiating parties: still later in the debate it had been said, that whether eventually binding, or not binding, it was not to take effect till after a certain contingency, namely, till after our rebel subjects, described in the instrument or treaty on the table under the appella-

tion of the United States of America, should be declared independent; and consequently, till that event should take place, which might never happen, the treaty could not be considered in fact, or even in deduction, to be in an existing state.

He was conscious of his great inferiority to the noble lord who spoke last, in respect of the talents and information necessary to enable him to contend with his lordship in points of political discussion; his pursuits and habits by no means fitted him for such an undertaking. For this reason, he would treat the subject in that stile of argument, which the portion of common sense and experience Providence had endued him with would enable him, and would familiarize it in such a manner as to bring it on a level with his own poor understanding, as well as that of others, who not having the abilities or opportunities of the noble lord, were willing to content themselves with exercising those talents, however slender, in coming to a judgment upon a subject. All he could undertake to promise for himself, if he should come to an unwise or improper determination, was, that it should be an act, not of the intention; that is, if he was wrong, it should be with an intention to act right; and if in the event he should form a wrong judgment, he should have at least the private satisfaction, in his own mind, of imputing it to its true cause, a real inability to form a true one.

Many curious arguments had been resorted to, for the purpose of proving the injustice of the measure. It had been urged, in the first place, that the treaty found in Mr. Laurens's papers was no more than a sketch, proposition, or plan, to be hereafter considered, but in its present state by no means binding even upon the contracting parties themselves, much less upon those whom (at least one of them) *i. e.* Holland, had no authority to bind. Secondly, it had been strongly pressed by the noble lord who spoke last, that though the treaty had been just what it purported to be, it was nevertheless perfectly inoffensive; because it was not to take effect, but upon a contingency which might never take place, and if it should take place, would leave the states of Holland at liberty, in common with the other powers of Europe, to enter into a treaty with America, as she or they would with any other sovereign or independent state. He meant, as the noble lord had explained it,—“When this country shall have

acknowledged the independency of America.”

He should not maintain his argument upon the claim of existing alliances; he should not describe the secret treaty as an act of treachery or breach of public faith, and a violation of public friendship. He meant to consider the act, as it might be supposed to affect two independent states, who stood upon terms of mutual amity, and who bore no further relation, nor were no otherwise bound to each other, than as acknowledging the general dominion, or force of the law of nations. Looking, therefore, upon Great Britain, and the seven United Provinces bound to each other by this common tie, he wished their lordships to reflect, only for a moment, and see fairly and impartially how the case stood?

A very considerable part of the subjects of the British empire rebel against the sovereign power, and by open arms endeavour to shake off the dominion of the established government; and another power pending the contest, *i. e.* Holland, does what? Enter into negotiation, and actually sign a treaty of commerce with the rebels thus described. If this was not a most notorious aggression on the part of Holland, he was totally at a loss to know what could be denominated an aggression; and for this express reason, if for no other, that it violated the very first principles of national good faith, and of the established laws which mutually bind sovereign and independent states in their conduct towards their respective subjects. It was a farce to talk of a project, or a plan; the very instant this project or plan was signed it became a treaty; the tenor of the instrument spoke for itself; the terms of it were explicit and absolute, and declared the fixed intentions of the contracting parties in every paragraph. There was not a single condition stated or implied, but the one he was just about to offer a short observation or two upon, which was, that the treaty was not to take place, till after our rebel subjects should be declared independent.

It was totally unnecessary to trouble their lordships upon this ground, unless it were expressly maintained, that the whole of the question of the justice or injustice of the measure turned upon that single point. To press it in argument as part of the case, or by way of extenuation, was idle: if, on the contrary, noble lords were ready to make it the great basis on which

the question was to be discussed, he was ready to meet them upon that ground. The contingency, that so considerable a part of our rebel subjects in arms were to be declared independent, was a presumption in itself of the most insolent and aggravated nature, and plainly pointed to an encouragement to our rebel subjects to persist in their revolt or rebellion. It spoke this language, or it imported nothing. "We will give you every secret assistance in our power; we will dissolve, or worse than dissolve, all our engagements with the power you are at war with. We will, in like manner, promote the views of your new ally, the French king; and as by those means you will probably be enabled to throw off the natural allegiance and political obedience you owe the crown and parliament of Great Britain, when by our secret assistance, &c. you shall have happily attained your ends, we shall then faithfully perform the terms of this treaty now executed." That this interpretation was agreeable to common sense, supported by common experience, he was ready to submit to their lordships; nay, he would venture to affirm, that there was not a man alive, who thought freely and impartially on the subject, who could put so great a violence on his understanding, as to persuade himself, or others, that the treaty was not a complete treaty in all its parts, and not a project: or, that the contingency to which the treaty was postponed, was any more than a mere trick to evade the consequences, which one of the contracting parties wished to avoid, if it was to be carried into immediate execution; namely, an instant declaration of war upon the part of this country.

Several arguments, in extenuation of the conduct of the States General of the United Provinces, had been urged by the noble lord who spoke last, to demonstrate, that the treaty on the table, from the particular frame and constitution of the Dutch republic, would not admit of the satisfaction demanded by sir Joseph Yorke from the States General, respecting the contents of that very offensive paper. He was yet to learn, that either directly or indirectly, the answer given to our ambassador of postponing the explanation *ad referendum*, or the arguments used by the noble lord, as to the constitution of the Dutch republic, contained the least shadow of apology or justification: so far from it that he was clearly convinced, if no other point were considered, the conduct of the

States General, in that particular alone, justified the issuing the manifesto. He was ready, in argument, to give up all he had been hitherto contending for. He was ready to grant, that the treaty was no more than a project, and that the contingency, as to the time it was to take effect, softened the project, though it had been a treaty, and took the sting out of it. Yet still the refusal to give satisfaction, as in the instance of postponing *ad referendum*, had a retrospective view, and in fact confirmed and ratified every thing which constituted a real treaty, and upon that account solely amounted to an aggression, upon which the manifesto was founded.

This brought him back to what he meant particularly in this stage of the debate to make a few observations upon, that was, the supposed intimate knowledge of the noble lord respecting the frame and constitution of the interior of the Dutch government. With this he acknowledged himself to be little acquainted. It might or might not be just as the noble lord had described. The difficulties might be numerous; the embarrassments great; the instances quoted by the noble lord, which his lordship had stated to have happened at former periods, might have been correctly stated, with all the peculiar circumstances which accompanied them. But although he was ignorant of the particular facts referred to, and was ready to take the whole upon trust, he could by no means subscribe to the conclusion drawn by the noble lord; for without entering into a critical enquiry about the respective rights, immunities, original institutions, and local privileges of this or that particular province, city, or district; or tracing out the relation they bore to each other respectively, or to the governing aggregate power, he was fully authorised to maintain, on the general law of nations, that every state was bound to answer for the act or acts of its subjects, or those who acknowledged its sovereign or supreme dominion. It was absurd to suppose, that a single exception could exist against this general rule; if there could one, another might be pleaded, and so on, *ad infinitum*. It would, in that case, be impossible to draw a line. And he wished that noble lords would seriously consider the doctrine, and see what mischiefs it must lead to, and what an incongruity and repugnancy of conduct it would involve. In the present instance, for example sake, he begged their lordships to look forward to the consequences

which might flow from a conduct so absurd and preposterous;—nothing less than that one, two, or more of the provinces might legally or constitutionally be at liberty, openly or secretly, directly or indirectly, to support our rebel subjects in arms against us; while the other part of the republic, as allies, were giving us actual assistance for the purpose of reclaiming and compelling them to return to their former state of obedience.

He was indeed ashamed to trouble their lordships in refuting a species of apology, or justification, which carried, by inference at least, if not expressly, so glaring an absurdity on the very face of it; because he might have well saved the House and himself the trouble of offering a single syllable upon the subject, by standing on this indisputable, self-evident proposition, as supported by the law of nations, and the unerring rules of justice and common sense:—That every state is responsible for the acts of their respective subjects;—or, that every state is so far responsible for the acts of their subjects, as to disavow the subject matter of complaint, and promise that sort or quantum of redress which the constitution, or nature of the interior or municipal frame of their government enables or impowers them to give. Apply this principle or position to the case under consideration, and he believed there was not a noble lord that heard him who would not instantly acknowledge, that the refusal to disavow the act, by postponing the consideration of the complaint *ad referendum*, though it might not be in the power of the States General to punish the offenders, answered exactly that species of implied approbation, which amounted to an aggression fully authorising the manifesto on the table.

Noble lords, in the course of their arguments, drew similitudes from the nature of our own constitution; they maintained, that in many instances redress could not be had from individuals, nor satisfaction obtained but by due course of law. He believed no man disputed it; but he wished noble lords would see how far this argument met the motives which induced the issuing the manifesto, or bore upon the case therein made out. He was not to be told, that in this country persons not offending against any subsisting law could not have a measure of punishment set out, where the municipal laws were silent; but he was yet to learn, or hear a possible case stated, where an individual, town, country, dis-

trict, or part of this island, having committed an act that might lead to a just cause of rupture with an independent or sovereign state, in which the parties offending were not in some shape or other accountable to, and punishable by the municipal law, and the nation bound to make reparation, as being responsible for the acts of its subjects. If that was a clear proposition, binding upon us, it must clearly bind every other power; and he wished to be clearly understood, when laying down the foregoing general doctrine, that he meant to apply it to every particular, as well as more general case that could possibly arise: and he would push this proposition its full length, and follow it with this specific declaration, That if any subject, or greater number, under the dominion or government of this country, should, by an act of any kind whatever, be the cause of creating a difference or disagreement, or what might, without satisfaction given by the necessary measures or remedies which the law of nations prescribes: such an act would be punishable, though no specific municipal law existed for that purpose, upon another general law, no less binding and operative, namely, the law of nations. Were it otherwise, the power of the state would be grossly defective, because it would suppose this, that a right destructive and ruinous to the well being of the state resided in individuals; a supposition too nonsensical in itself, and too pregnant with absurdity, to gain a moment's credit. Every man, in his opinion, therefore, who propagated any thing which had, or might be productive of a rupture with foreign powers, was punishable, not perhaps by the municipal laws of that state, but by the law of nations, by which every individual, as well as the state itself, is indisputably bound; and therefore in every instance in which the doctrine applied, the law of nations was consequently interwoven into, and formed part of the municipal law of the country.

The noble lord contended, that by the act of our minister at the Hague, and the renunciation of the treaties of 1674, the *casus foederis*, from the instant that paper was delivered, ceased to exist. He confessed that this was the first time he ever heard of that circumstance. But, be that as it may, the existence of the fact was totally immaterial to the argument, in the manner his lordship had taken it up. It might take off from the treachery and turpitude of the act, but that was all, and

very little even in that light; for if he understood the noble lord right, the paper containing the supposed renunciation, or dissolution of the existing treaties between Great Britain and Holland, was delivered in 1779; whereas the treaty signed by Van Berkel and the rebel delegate was executed in 1778, so that the renunciation was posterior to the treaty. The matter of justification being out of the question, as he was just going to observe, the date of the two facts took away even the colour of extenuation; for it amounted to this clearly, that in the midst of the most confidential seeming amity, and while three several treaties of alliance, and the most intimate connection still remained in full force, our pretended friends, but real enemies, had, under such sacred sanctions, secretly entered into a treaty with our rebel subjects, for a commercial intercourse, which treaty had for its eventual object the separation or dismemberment of a considerable part of the empire, and the defection and independence of several millions of its subjects. He had dwelt upon this circumstance so long only to shew, that no part of the turpitude of the republic of Holland was, or could be lessened, or done away, by any act of ours, subsequent to the date of the treaty; not that he thought it was necessary at all to justify the measure, having already considered it as a general proposition, that a power in amity with us, entering into a treaty with our rebel subjects, contrary to the established law of nations, was in itself, unsupported by any other circumstance, fully sufficient to justify the measure of issuing letters of marque and reprisal against the power who should act in that manner.

His lordship having fully debated the justice of the measure, then proceeded to deliver his sentiments on its expediency. He readily assented to the general impression which had been endeavoured to be made on the House by several noble lords, that war at all times should be the effect of necessity, but more particularly so at the present period, when we had so formidable a combination leagued against us. And if the measure, the propriety of which was so strongly called into question this day, was not a measure of necessity, those who undertook to advise it would indeed be much to blame. For his part, he thought it came within that description; and though he wished, as much as any noble lord, to avoid a measure at all events

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hazardous, and attended with singular difficulty and embarrassment, yet after fully considering the advantages and disadvantages which might or must result from it, he made a choice on that very ground, the only one on which noble lords declared they thought the present measure defensible. It was needless to recur to any further arguments upon the justice of the measure; he presumed that had already been amply discussed; the point now to be considered was, whether we could, with either honour or public security, have acted otherwise than we had done? He was of opinion we could not; because the possible evils which might arise from the step we had taken would be felt in their fullest extent, and in his opinion more fatally, if Holland had been permitted to effect that under cover of secrecy, which she is now called upon to maintain at her peril: it might, besides, possibly have this good effect, the compelling that justice by force of arms, which unexampled forbearance and every other effort in our power, by the means of amicable persuasion and remonstrance, had failed to accomplish.

But supposing that the same spirit which dictated the causes of complaint on our part, should still continue to direct the councils of the republic; supposing that they should uphold by force, what had originated in a breach of faith, and of national perfidy—a recourse to the common occurrences and situations in familiar life, applied to states and kingdoms, would, he believed, justify him in the conclusion, that an open enemy was at all times preferable to a concealed one. If, therefore, a pre-disposition against us should still continue to manifest itself, such as had made the present step necessary, he was persuaded that the most efficacious means of bringing the States General to a just way of thinking, would be to convince them, that their conduct was not to escape unpunished in either event. For his part, he was of opinion, that the best mode of bringing Holland to a real explanation, all other efforts for that purpose having repeatedly failed, was to act precisely as we had done. Holland had now her option; she had it in her power to disclaim those apparent intentions which denoted every appearance of hostility, or she would be compelled to throw off the masque. Upon this ground, if upon no other, he thought the expediency of the measure might be fairly defended upon every principle of sound policy.

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Many other arguments had been urged against the expediency of the measure, and many reasons stated, in order to prove its impracticability. What, will you add, said noble lords, Holland to France, Spain, and America? Can you expect to defend yourself, much less make successful war against them all? This was not, in his conception, a mere matter of choice, nor the question, when thus stated, fairly put. It was not an option left to this country, whether she would not choose to have Holland added to the confederacy already formed in Europe and America—far from it. He who could gravely propose such an alternative, or having it proposed to him, could hesitate a moment to make a choice, must be worse than incapable; he must be mad. Were that the case, it would indeed furnish the most cogent proofs of every degree of ignorance and incapacity, which had by noble lords been imputed to ministers; but the question so framed was not truly stated; the question was simply this: Holland is determined to be your enemy at all events; the only choice therefore left to Great Britain, is, whether she would prefer having Holland an open or a secret foe.

Other grounds of impracticability had been warmly pressed in argument, as naturally arising from the treaty entered into by the neutral powers, for the protection of their commerce, to which treaty the States General, noble lords have affirmed, is a contracting party, and of course under its protection. Predictions of a very extraordinary tendency had been plentifully dealt out upon that supposition; such as that Russia, and the other contracting powers, would be naturally led into the war; and several other predictions, or apprehensions of a similar nature. He did not pretend to enter minutely into those circumstances, nor think it necessary to descend into the probability, or improbability of what Russia might or might not do; but if he understood the noble lord, who spoke to this point, he believed it was sufficient to observe, that the terms of the armed neutrality had nothing at all to do with the present measure. The armed neutrality, he understood, though he did not pretend to speak from his own knowledge, related only to the protection of a free navigation. It neither respected any transaction in which the contracting parties might be concerned, as powers in a state of common amity, and of course, not relative to a free navigation, much less

to the breach of previous subsisting treaties with other powers. On the contrary, he understood, that all subsisting treaties, previous to the treaty of neutrality, were expressly excepted; so that upon the whole, as we had no choice relative to Holland, but that of having her as a secret instead of an open enemy, and as the grounds of our difference with that republic, whether in respect of the treaty with our rebellious subjects, or the breach of the treaties already subsisting between her and Great Britain, were totally unconnected, and distinct from the treaty entered into by the neutral powers, for the protection of their commerce and for the preservation of a free navigation; he trusted that he had satisfactorily proved to their lordships that whether the practicability of the war was certain, its justice and expediency had been clearly and most unquestionably made out.

Lord Camden said, he had long since resolved never more to trouble their lordships on any part of the subject which would necessarily force itself into the discussion of the question now before the House; he meant the American war, including its various circumstances and necessary relatives. He was long since convinced it was to no manner of purpose for him to take up any matter in that House upon adverse ground. He had repeated experience how nugatory it would be, as it had always hitherto proved, to come there as an opponent to the measures decided upon by ministers, supported as they had uniformly been by the most decided majorities in that House. Before he proceeded, therefore, to submit his poor opinion to their lordships, he would beg leave to premise, that whatever he might offer was by way of advice to those whom his Majesty had entrusted with the affairs of government, in hopes that it might make a suitable impression; and to express his wish, that as they were sufficiently strong and powerful to carry any measure, that they would adopt that which seemed most suited to the dignity and honour of the nation, and to the advancement and preservation of its interests. It was for this reason, and this only, he rose. He rose from a call of duty, for the last time, and whatever might be the event of this final effort to save his country, at least to mitigate her distresses and misfortunes, he should retire from his fruitless attendance in that House with this consolation, that he had discharged his duty to the best of his poor abilities,

so long as it promised to be productive of the smallest or most remote good; and that he declined giving their lordships or himself any further trouble, when hope was at an end, and when even zeal had no object which could call it into activity. Looking back on former transactions, he had great reason to lament that he did not form the resolution earlier, or that some circumstance had not arose which might have been the means of preventing him from engaging in so ineffectual a struggle. Either event would have freed him, as well as many other noble lords, from much chagrin, and a series of the most mortifying disappointments, still the more highly aggravated, because they involved in them consequences which seemed to him to tend, if not inevitably lead, to the ruin of his country.

The learned lord who spoke last, with his usual dexterity in debate, had, as he said, brought the question within a narrow compass. He had indeed! He had reduced it to a mere question of order, out of which he had endeavoured entirely to exclude the substantial merits of the subject matter of debate. The learned lord said, it is nothing to the present question, whether the measure was practicable, whether it was unjust, or whether it might prove ruinous to the nation; but it was merely a point relative to the regularity of their lordships' proceedings, whether the address moved by the noble lord in the green ribbon should be entertained, or a negative be put upon that moved by the noble duke? This, he confessed, was a curious method of coming to a decision upon any question, and upon every question; the regularity of their lordships' proceedings were to be preserved at all events, though the salvation of the nation might eventually depend upon their being dispensed with in the particular instance.

But if the doctrine itself was not to be impeached, how did the learned lord prove its orthodoxy? By the most extraordinary and novel kind of proof imaginable, where proof is deemed necessary. The noble lord says, upon his own authority, that there is not a single precedent existing, where a royal message, or other communication from the throne, has not had the preference, or where any other matter has been introduced into, or mixed with the matter so communicated. He begged leave to observe, that this was no more than a mere unauthenticated assertion of a noble lord in his place: that however

confidently the assertion might be urged, and with however loud a voice and emphasis, it could pass for no more than it imported; a belief, opinion, or *dictum*, not binding nor capable of bringing home conviction to any one noble lord. He, for instance, upon equal credit, and equal authority, was intitled to say, that he was ready to assert, or believed, which was really the case, that there were very many precedents, where other matters were proceeded upon previous to the taking royal communications into consideration. Here, then, his and the learned lord's contrary creeds and assertions stood in exact *equilibrio*; and it was consequently incumbent upon the learned lord, who made the first assertion, either to prove it from parliamentary documents, or to confess, that his assertion should be considered merely in the light it deserved; an assertion unsupported by evidence of any kind. If his lordship should therefore refuse that species of proof which facts when denied or controverted necessarily require, this would, he trusted, amount to a *prima facie* refutation of the fact as stated, and of every argument raised and deduction drawn from its supposed existence. It was indeed the only colour of argument which the noble lord seemed willing to trust to; and which, if it should fail him, opened the field of debate and free discussion, and let in the House to enter into a full investigation of the subject, upon the grounds of justice and expediency, not contrary, but agreeably to the ancient established usage of parliament.

The learned lord had it was true followed it with another argument, pretty nearly of a similar complexion; for, conscious that the former could not stand the test, his lordship had recourse to one precisely of the same size. Said the noble lord, "the measure sanctioned by the King's name is to be considered as the measure of ministers; and while it would be extremely indecent, as coming under that sanction, to postpone its consideration, ministers are nevertheless responsible to parliament and the public; and the motion made by the noble duke, may, as soon as the answer moved is agreed to, be taken up *de novo*, their lordships not being bound by the present proposed vote, no more than if it had never passed that House." This was, indeed, going a great length; and was such a mode of reasoning as the learned lord, with all those powers which he was known to possess in so emi-

nent a degree, would not, he was persuaded, be able to maintain.

Here there were two objects for their lordships' consideration. One, the prerogative of the sovereign to make war, which no man disputed; the other, the exercise of that prerogative, which the learned lord had acknowledged was presumed to be exercised by advice. In what shape, then, did the question come before the House, but that the same persons who advised the measure, likewise advised the message; and that their lordships were called upon to give their approbation, not to what his Majesty had personally directed to be carried into execution, but what he had by the servants of the crown been advised to do. He begged their lordships, however, to turn their attention from mere words to things. His Majesty's ministers advise a manifesto, accompanied with orders for issuing letters of marque and reprisals. They further advise his Majesty to communicate this to his parliament; but *cui bono*? for their lordships are not to deliberate; they are not to seek any further information, or mix what the learned lord is pleased to call extraneous matter. Nothing like it:—according to the language of the noble lord, they are implicitly to echo back the very words of the message. To address their lordships upon a measure previously determined upon, and which was said it was indecent to discuss, was monstrous, and contained in it every appearance of mockery and premeditated insult.

The matter, when stripped of its artificial clothing, was this: the conduct of the States General had been such, as, in the opinion of ministers, to make it necessary to issue letters of marque and reprisals; the evidence on which ministers had thought proper to prove this pretended necessity was on the table. The question, then, was this: shall those who do not, as well as those who do, think the evidence sufficiently cogent to justify the measure, agree to it? and shall the dissentients in opinion wave all opposition? O! to be sure, says the noble lord; “You are bound to do it; you are bound by precedent, in the first instance; moreover the respect which you owe to your sovereign requires it. The measure may be a very mischievous or unwise one; but that is nothing at all; you cannot according to the order of your lordships' proceedings dissent; and if you could, it would be indecent and disrespectful;—but I can

tell you what you may do; after the address shall be agreed to, you may then controvert the justice and expediency of what you had before only approved of for form sake.” Now he begged leave to say, that no argument or reasoning it was possible for the mind of man to conceive could be more fallacious or unfounded! for how would the case stand? That war had been denounced against the republic of Holland during the recess: that parliament, upon being made acquainted with it, approved of the measure, and consequently bound themselves and the nation to all the consequences of a state of hostility with a powerful nation: but, for all this, the learned lord had a salvo in either event, be the measure right or wrong; for in the first place, the order of their lordships' proceedings obliged them to echo back the measure in the highest terms of approbation; and if the nation should in the event be undone, the people would have the satisfaction of calling upon ministers, whom his lordship had described as ultimately responsible for the consequences.

He would consider the main question, shortly, in some of its principal relations. He would not pretend to say, taking all the treaties subsisting between this country, how far the *casus fœderis* did or did not actually exist. It was certain, from the manner they were drawn up, as well as the several occasions which gave them birth, that they were extremely complicated, and difficult to be at the same time specifically and equitably interpreted; not but he thought Great Britain and Holland, if they came with a willing mind and in a good temper to qualify their respective claims, the several seeming contradictions might be reconciled, and a concordance effected between the whole, so as to guard the rights of both. Be that as it might, the present question, so far as the justice of the measure was concerned, must stand or fall by those treaties, such as they were.

By the treaty of 1674 it was expressly stipulated, that Great Britain and Holland should be at liberty to carry all kinds of goods and merchandizes, either of their own growth or produce, or belonging to any other power, without let, hindrance, or molestation, under any pretence whatsoever, except the particular articles therein specified, under the description of military stores, which were very different from what was at present considered as military

stores or contraband, and that even to an enemy actually at war. This, however severe it might appear, or harsh it might sound, beyond a possibility of redress, upon the terms of the treaty, was the basis of all the succeeding treaties; and if broken or violated, unless in such instances as had been subsequently provided for, most clearly bound Great Britain, or if the latter, urged by a necessity not in being, foreseen, or provided for, at the time of making the treaty, refused to abide by it, such a conduct on our part, would instantly dissolve the obligation on which only the *casus fœderis* could at all exist.

When their lordships therefore came to decide upon the present measure, as a measure of state, it was a duty incumbent upon them to have every paper necessary to a full information on the subject, as it really stood. In the first place, the treaties themselves, but more particularly the several transactions from the first beginnings of this business. On the contrary, their lordships had not a tittle of information, but a mere bead-roll of our complaints, as made, from time to time, by our minister at the Hague. Their lordships, before they came to a solemn determination upon so important a question, ought to trace the disagreements between the courts of London and the Hague to their origin, in order to know where the fault began; if on our part, that speedy satisfaction might be given; if not, that we might endeavour to reconcile ourselves to that republic, upon the most persuasive of all arguments, that of unavoidable necessity. Most clearly, if the treaty of 1674 was not binding upon Great Britain, none of the rest could be binding on Holland; and when the noble viscount, who moved the address, recounted the different refusals of the States General to comply with the several requisitions made by the British court, for the performance of subsisting treaties, he began at the wrong end. His lordship should, in order to give the least degree of weight to his arguments, have proved, that we had inviolably adhered to the terms of that treaty, or if any deviation had happened, to promise and undertake that the cause of complaint should be immediately removed. He had no other information on the subject but the foreign gazettes.

Many arguments had been used respecting the treaty. It was at one time called a complete treaty, binding upon

the parties; it was again represented as a treaty, founded on a possible contingency hereafter to happen; and yet, however repugnant the latter comment might be to the former, the contingency was supposed, though ever so absurdly, to express or imply a positive, unconditional undertaking. He should be sorry to waste their lordships' time, in endeavouring to expose the manifest absurdity resulting from such a stile of conclusion. The treaty was intended either to take effect immediately, or it was contingent; if contingent, it was preposterous to describe it as an agreement immediately binding; if immediately operative, it could not be contingent, but must have instantly sprung into being, and still continue in existence; yet nothing had been urged, either in the shape of fact or argument, tending to shew, that any one step had been taken by the governing power in Holland, which betrayed any intention in the States General of an hostile nature; that they knew any thing of the intrigues of Van Berkel, much less had determined to ratify, as an act of the sovereign, what had probably been the mere unauthorized act of Van Berkel himself, supported by some of the magistrates of the city of Amsterdam, who were well known to be in the French interest. But supposing, so far as the treaty went, that it was a complete one, before any conclusion was drawn, he thought it behoved those who were persuaded of its completion, to point out how far it did operate, and the persons whom it was supposed to bind, or could bind. Did it bind the state, or republic? He believed no person would venture to affirm it did. Did it even bind the province of Holland? That yet remained to be proved. Who, then, did it bind? For aught he could learn, it neither did or could bind any other persons, but merely the contracting parties whose names were signed to the instrument.

While he was ready to condemn ministers for their general conduct, he was not ignorant, that to steer clear of difficulties, required much dexterity. The treaty of 1674 was productive of much embarrassment; and though he perfectly agreed with his noble friend (Shelburne) that the late earl of Chatham acted with great caution, he would add, however, that to his certain knowledge, he acted, considering the embarrassments arising from the treaty of 1674, with peculiar address.

Like a wise and spirited minister, convinced of the necessity of preventing our enemies from being supplied with the means of prolonging the war, he perhaps sometimes deviated from the strict letter of that treaty, from motives of sound policy, dictated by the particular exigency of the times. He remembered, that his lordship had frequently consulted him on the occasion, having then the honour of being Attorney General, and he recollected, that the necessity of such a conduct was stated with candour and openness; that every possible care was taken to give the complainants satisfaction; that fair words were returned when nothing more could with propriety be given; that a kind of compromise was frequently pressed, and that the result was rather a temporary suspension of all the treaties, than any thing like a demand of a rigid performance of them on either side. This was the mode by which that great statesman conducted the affairs of this country, to the great end which he proposed to himself, that of humbling the power of France, and breaking and dissolving the compact between the several branches of the House of Bourbon. In the very zenith of his power, in the very flush of victory, he had many and strong pretences, if not real provocations, for employing the then irresistible force of this country against the property and possessions of the seven United Provinces. But he was too magnanimous, too wise: he judiciously qualified the claims of this country, as well as set limits to the unreasonable demands of that republic. He acted with moderation, resolution, firmness, and justice. He had not only Holland to manage, but the northern kingdoms, who were at the time, independent of their extreme jealousy of the growing naval power of Great Britain, rather inimically inclined towards us, particularly Russia and Sweden; yet, among such a variety of difficulties, such were the great abilities of that unrivalled statesman, that he avoided a rupture; and though Holland might in some instances think herself not perfectly well treated, yet, upon the whole, she found, that no hardship was imposed upon her, but what merely arose from political necessity.

Though he was induced to believe, that France and America had many zealous friends in Holland, he could not be persuaded that their influence extended the length the noble lord in the green ribbon

had endeavoured to induce their lordships to believe it did. The Dutch were a wise and politic people; commerce, and the advantages derivable from it, were the uniform objects of their political pursuits. Their safety and independence naturally led them to look towards Great Britain as their best friend and protector, against the encroachments, or other more formidable views or attempts which might be made upon them, by the great powers on the continent, who possessed territories immediately in their neighbourhood. They had another motive, and a most well-founded one, for trusting to the friendship, assistance, and alliance of Great Britain, in preference to any other, which was founded in the unerring principles of sound policy, and national wisdom; and it was this, that Great Britain might be safely depended upon; because, besides the ties of treaty and alliance, she would be led to assist Holland on her own particular account; because, in case Holland should fall, such an event would sooner or later lead to her own destruction. He therefore heartily coincided in the ideas of his noble friend who spoke lately, that the interests of Holland and Great Britain were the same; the advantages to be derived from any assistance which might be given to either mutual; and their views exactly correspondent, the security of their independence, and the extension of their commerce.

Those considerations (of which that republic, renowned for its wisdom, could not be ignorant) furnished him with additional reasons to suppose, that the governing power of Holland never meant to adopt any measures sufficient to justify the manifesto. There were, in every state, men of a particular frame of mind; enthusiasts, he would suppose, that would be glad that the advantages derived from their own form of government should be extended to other nations, and at length become universally prevalent; of this description he made no doubt but there might be some in Holland. Many might be seduced, by the prospect of gain, and a more extensive commerce, to wish well to the independent states of America; and others again might have conceived a predilection for France; but allowing all this to be true, he was ready to maintain and prove, that if it had not been for the precipitate conduct of our ministers, in restraining the Dutch commerce, before ever we could, by the assistance of the most subtle

invention, frame a pretence for acting as we had done, the factious in Holland could never have dared to shew the least predilection for France or America. Upon the whole, therefore, he was firmly persuaded, that the resolution of going to war, agreeably to the terms of the manifesto, ought to be immediately, if not rescinded, at least, taken into re-consideration, and if no better grounds of hostility should be the result of a more particular inquiry, that their lordships would be bound to order immediate satisfaction to be given for the injury already sustained by Holland, and of course to desist from a prosecution of further hostilities.

To the expediency of the war little remained to be said; our present situation was such as to render any argument unnecessary. We were already over-matched, and Holland, thrown into the opposite scale, would, he had every reason to believe, be decisive of our fate; but was Holland to be the last enemy we should have to contend with in this already unequal contest? He feared not. Russia, if the foreign Gazettes spoke truth, had already said more than Holland even pretended to claim under the right of subsisting treaties. She had published a new code of maritime law, which was to bind all the powers of Europe, as well neutral as belligerent, and invited those of both descriptions to accede to it, by which it was ordained, that free bottoms made free goods. France and Spain had already become parties; Holland had acceded to it, and her accession was accepted of, and so had the other northern powers. If then "free bottoms made free goods," where did we stand, according to the tenor and professed intention of this treaty? But that, whether Holland was, or was not bound, by the treaties subsisting between Great Britain and her; Russia, Sweden, and Denmark, were free to act as interest or convenience might suggest. It was said, indeed, that this treaty excepted the previous particular engagements of the contracting parties among each other; and that subsisting treaties were an exception to the general rule—Granted. But then the basis of the neutral treaty was clearly, that "free bottoms made free goods" in all cases, where there was no other treaty existing, contrary to that between the parties; consequently the very principle on which we were now contending for in respect of Holland, that of availing ourselves of our situation, as well in

respect of that country, as the northern powers of Europe, was totally at an end. He would suppose, for argument's sake, that Holland from her prior engagements with this country, was precluded from the benefit she might otherwise derive from acceding to the armed neutrality;—what would that tend to?

The Dutch, who were the great carriers of northern Europe, would be not permitted to carry on that species of commerce. But would this prevent Russia, Sweden, and Denmark to transport the commodities and native growth of their own country? By no means. The commodities formerly transported by Holland from the place of growth would then be carried in bottoms belonging to or employed by those respective countries—but upon what terms, or under what conditions, and sort of protection?—Upon the terms that "free bottoms make free goods," and under the protection of the aggregate force of the whole armed neutrality, who were bound to each other to assist in the common protection of all commodities carried in free bottoms, according to the engagements entered into by previous existing treaties.

This was a state of facts, and a stile of argument, which he did not expect to hear controverted, or replied to. If so, then, what did it amount to fairly, but this:—that the only advantages we derived from our situation of preventing our enemies being supplied with naval stores by the northern crowns would completely be at an end: for in that case those rights, real or pretended, which we had hitherto continued to exercise, that of stopping and searching the ships of neutral nations, and under some circumstances seizing, and confiscating the property so seized, and in every instance searching, if carrying any commodity deemed to come within the description of naval and warlike stores, would come to be disputed, and we should be then obliged to meet and contend with, not only France, Spain, America and Holland, but likewise with the united force of the rest of the powers which constituted or had acceded to the armed neutrality.

This was such an eventual situation, as the greatest political zealot would not be prepared for, or recommend to encounter. He was persuaded, it was such as none of their lordships, if the event appeared to be a probable consequence of the present measure (which he much dreaded) would ever consent to. In the present state of

things, and on the grounds he had argued the point, the probabilities tended to create strong fears, that such an event would be the result of a rupture with Holland, and of course of transferring the greatest part of the carrying trade, till the public tranquillity of Europe should be re-established, to Russia, Sweden, and Denmark, the respective places of growth.

He begged, before he sat down, to submit the probable consequences of the rupture with Holland in another point of view, though tending to the same conclusion. It was said, by the noble viscount, early in the day, that the armed neutrality amounted to no more than a conditional, temporary compact, which bound none of the parties longer than they thought fit, or found it convenient to adhere to it:—of course, that it was dissoluble at pleasure. He by no means understood the treaty in that light. On the contrary, it appeared from its tenor, not only to be spontaneously binding, but compulsory as to the object; for although one of the contracting parties might withdraw, and free himself from the particular conditions of support, so far as the terms would directly or indirectly affect other powers, not parties, still the remaining powers, who should continue to adhere to the neutrality, would, notwithstanding, look upon themselves called upon to assist in carrying it into faithful execution, and at the same time it would not be disputed that they would be willing and able to give it effect. What was the case in the present instance? The neutral powers had acceded to the new system, or new code of maritime law, promulged or proposed to the other powers of the north of Europe in general. Every neutral power but Portugal had already acceded to it, so had France and Spain. Great Britain, of all the belligerent powers, only refused her assent, and the reason was evident; because the regulations contained in that code were hurtful to her, and not so to the other powers at war; so that no other alternative remained, but that either the treaty of armed neutrality must be dissolved, or Great Britain, refusing to acquiesce in the regulations, would be involved in a war with the several states, which formed this extraordinary confederacy.

Connecting therefore all those circumstances, with their different relations and probable consequences, further strengthened by what had been stated by his noble friend (lord Shelburne,) that by the re-

nunciation made by sir Joseph Yorke, in 1779, of all subsisting treaties between Great Britain and Holland,—the maxim that “free bottoms make free goods,” while the former removed the exceptions, and entitled Holland to all the benefits or advantages which she might derive from the treaty, taking it in its most extensive sense, the latter protected the property of the republic, so long as Great Britain and Holland remained in a state of peace.

This being the true state of the question between this country and the United Provinces, he could discover, without pretending to much political sagacity, the real drift and tendency of the present measure, so far as it was a question of state, respecting the present or future conduct of foreign powers. Ministers were not ignorant of the truth of the arguments he had now resorted to. They knew that they dare not openly infringe the terms of the armed neutrality, nor defeat the intentions of those powers which had already acceded to it, under the pretence of a breach of treaty committed by Holland;—and why so? because they were conscious that no such violation of treaty had in fact taken place. They could not forget that they were the first aggressors, and that they seized the Dutch property long before there could exist a breach of treaty, or a pretence for it, that was, before any war broke out in Europe. Under those embarrassments, they were fortunately presented with what they thought proper to interpret into an aggression, totally unconnected and independent of the provisions and objects contained in the new code of maritime law, and determined to avenge themselves upon Holland, for what they had themselves, by their ignorance and arrogance, been the real cause, and sole authors of. But however fraught with artifice and disingenuity this device appeared, he much doubted whether it would receive so ready a sanction from the members of the armed neutrality, and of the court of Petersburg, which first formed it, as it seemed to receive in that House. On the contrary, truth would prevail, and be weighed against artifice and evasion. Ministers began at length to perceive the fatal consequences which were about to rise from their own misconduct. They knew that Holland was just upon the point of acceding to the armed neutrality, and that persons or deputies had been sent from the Hague to Petersburg, expressly for the purpose of

notifying the accession of the republic in due form;—nay, for ought he knew, that accession had, or was to have taken place on the very day, perhaps, but if not, within a day or two, of the publication of the manifesto on the table. Thus by this flimsy pretext ministers flattered themselves that they should at once cover their own blunders, and under the pretence of detecting the Dutch in having entered into a treaty with the American Congress, deprive them of that security and protection which they would, but for this circumstance, be clearly entitled to as a member of the armed neutrality. In short, they would now endeavour to conceal or palliate their own guilt, to gloss over their own impolitic, violent, irresolute, and unjustifiable treatment of Holland, which proved the cause of driving that country from her connections with this, and of working her up into a state of indifference, if not of enmity, by seducing the nation into a quarrel totally ministerial, and which the people of Great Britain had nothing to do with, in point either of justice or expediency. But the attempt, he presumed, would prove as unsound in policy as it appeared to be equally foolhardy and unprincipled. Russia, if previously bound, would see how far the reasons contained in the manifesto were founded, and would conduct herself accordingly. She would draw the line, when judging of the conduct of the British ministry, that separated or distinguished an act of real necessity, from a measure of mere convenience, and would impartially determine how far the treaty entered into between the pensionary Van Berkel, and Mr. Lee the Congress delegate, could be fairly presumed to bind the governing power in Holland.

Holland had been represented by the noble lord in the green ribbon as in a state totally defenceless at home, and extremely vulnerable in the various possessions she held in the eastern and western quarters of the globe. He should not pretend to contradict his lordship, because he was not sufficiently informed on the subject;—but so much he would risk, that every advantage we derived from the war preparation we were in, could at best promise us no more than a short lived, temporary success. The Dutch were naturally a brave people; they had proved it in a great variety of instances; and history enabled him to pronounce with confidence, that they had upon many oc-

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casions shewed themselves inferior to none in the qualities requisite to constitute the seaman or soldier. It was natural that he should be prejudiced in favour of his own country, and therefore unwilling to allow them an equality in respect of courage or conduct; but after that exception, not even zeal or prejudice could induce him to deny that at sea their courage and skill stood unquestioned; and that they were at least a match, if not superior, with an equality of force, to any other power in Europe but Great Britain. A Van Trump, a De Ruyter, &c. proved what heroes Holland had produced. The people still continued the same in every respect; they possessed the same power, and internal means and resources of defending themselves, or annoying their enemies. Other Van Trumps might arise, and struggles and combats equally bloody, obstinate, and doubtful in the event, might be the consequence of the present measure; struggles of such a nature, and claims of victory so contrary in their nature, as not to have been determined at the end of a century which of the combatants were vanquished or worsted, or which had proved victorious.

The question was then put on the duke of Richmond's Amendment, viz. "That this motion for an Address be postponed, in order that the House may take into consideration another motion, for an address to his Majesty, that he would be graciously pleased to give orders, that there be forthwith laid before this House copies of all the treaties lately subsisting between Great Britain and the States of the seven United Provinces, and also of the correspondence between his Majesty's ministers and his late ambassador at the Hague; and of all memorials, requisitions, manifestos, answers, and other papers which have passed between the two courts, as far as they relate in any respect to the present rupture, or to any misunderstanding or complaints which have existed between the two nations since the commencement of hostilities between Great Britain and the provinces of North America." It was resolved in the negative. Contents 19, Proxies 0—19; Non-contents 68, Proxies 16—84. The Address was then agreed to.

Protests against the rejection of an Amendment to the Address on the Rupture with Holland.] The following Protests were entered:

[3 Z]

“Dissentient,

1st. “Because we cannot consent to involve this and other nations in all the horrors of war, but upon the clearest proofs both of justice and necessity: and it would be peculiarly inconsistent with our public trust, without such evidence, to give a parliamentary sanction to a war against the ancient and natural allies of this nation.—It is on the justice of our cause, and on the absolute necessity of proceeding to such extremities, that we must be answerable to God and our consciences for a measure which necessarily plunges millions of innocent people in the utmost distress and misery. It is on this foundation alone that we can with confidence pray for success, or hope for the protection of Providence.—We conceive that a careful, and above all, an impartial examination of the correspondence between his Majesty’s ministers and his late ambassador at the Hague, and of all the memorials, complaints, requisitions, manifestos, answers, and other papers which have passed between the two courts, as far as they relate in any respect to the present rupture, is indispensable to warrant parliament in pronouncing whether the hostilities which his Majesty has authorised his subjects to commence against those of the seven United Provinces are, or are not, founded in justice, and consequently before they can with propriety offer to his Majesty any advice, or promise him any assistance in the present conjuncture.—The sudden attack which the ministers have advised his Majesty to begin against the property of our neighbours, sailing in full confidence of peace and of their alliance with this nation, made without allowing the usual time stipulated by treaties, even between enemies, for securing the property of unsuspecting individuals in case of a sudden rupture, is a proceeding which, till explained, must appear unwarranted by the law of nations, and contrary to good faith; nor can we, upon the bare recommendation of ministers, approve of such a conduct, or determine upon the nice construction of treaties and reciprocal obligations, without so much as hearing what our late allies and friends have on their side to allege.—But the influence of his Majesty’s ministers in parliament has been such, as to obtain not only the rejection of a motion which has been made for this necessary information, but also to induce this great council of the nation, on a matter deeply affecting their most important in-

terests, to give a solemn opinion without any knowledge of the facts on which they have pronounced with so blindfold a compliance to the will of the court.

2dly, “Because, however sufficient the reason of justice ought to be, that of expediency may perhaps be more prevalent, and is not wanting on this occasion.—It has been the uniform and approved policy of our ablest statesmen, for near a century, to form alliances, and to unite with the powers on the continent to resist the ambitious attempts of the House of Bourbon. The Protestant republic of Holland, from the freedom of its constitution and sentiment, as well as from its religion, has ever been deemed a valuable support of the liberties of Europe. Twice have they been on the very verge of falling a sacrifice to France in this cause, and we can never believe that their old affection to Great Britain can have been alienated, much less that a direct rupture with them can have become necessary on our part, without gross mismanagement in our councils. We cannot but form the most serious apprehensions at seeing the three great Protestant and free countries of Great Britain, North America and Holland, so weakening each other by war, as to become an easy prey to the ancient enemy of them all, whenever she shall please to turn her arms against them.—We are not insensible of the distressful situation, with respect to the armed neutral powers, into which we have been led step by step, by the unfortunate American war; but as we are convinced that wicked and weak councils have been the sole cause of that unhappy contest, so we are persuaded that honest and able ministers might have prevented this, amongst some of its wretched consequences.—But whilst the same measures, which have caused our unexampled calamities, continue to be pursued and cherished; whilst a system of corruption prevails, which must exclude both ability and integrity from our councils; whilst every interest of the state is sacrificed to its support, and every attempt at reformation rejected, our condition can change, but from bad to worse.—It is not for us to pretend to foretell events, which are in the hands of Providence; but if causes are suffered to produce their natural consequences, we cannot but apprehend, from the present conduct of our affairs, every danger to this country, both foreign and domestic, to which a nation can be exposed.—(Signed) Richmond,

Portland, Fitzwilliam, Harcourt, Ferrers, Rockingham, Devonshire, Pembroke, Coventry."

"Dissentient"

"For the above reasons, and, for that, instead of being convinced of the justice, necessity, or policy of a war with Holland, as we ought to be, before we give our sanction to that measure, it appears to us, as far as the information we possess enables us, to be equally contrary to the interests of both countries, and to the inclinations of all whose inclinations ought to influence the councils of either. Of such inclinations, in many respectable members of the Dutch government, we thought we saw, and we saw it with pleasure, a sufficient indication to encourage us to hope, that it is not yet too late to open a negotiation, by which, if conducted with the temper, and in the language of conciliation, we may avert the evils which the continuance of this unnatural war cannot fail to produce.—With this view, it was recommended in the debates with the earnestness and seriousness suitable to the occasion, not to lose an hour in proposing a cessation of hostilities with Holland, for the purpose of meeting and cultivating a friendly disposition, of reconciling commercial differences, and for restoring that union of political interests which has been hitherto thought fundamentally necessary to the preservation of the Protestant religion, and of the liberties of Europe. The inattention of his Majesty's ministers to such a proposition, in the actual circumstances of this country, their disinclination to the objects of it, so plainly manifested by the unprecedented confiscations intended by their proclamation of the 20th of December last, the loss of so valuable an ally, the accession of so considerable a force to the formidable powers, antecedently combined against us, and the just grounds it affords to apprehend the accession of other powers to that combination, leave us no other part to take, as members of this House, after having stated our ideas of the extent of the danger, and suggested what we conceive to be the best and only remedy, than to enter our solemn protest to exculpate ourselves from being accessory to that accumulation of evils, which we foresee, and think might be, but will not be prevented.—(Signed) Wycombe, Camden, Richmond, Ferrers, Portland, Rockingham, Fitzwilliam, Pembroke."

Debate in the Commons on the King's Message relative to the Rupture with Holland.] Jan. 25. Lord North presented a Message from his Majesty similar to the one presented to the Lords, together with the Papers relative to the Rupture with Holland (see p. 967). The titles of the Papers being read by the clerk,

Mr. *Burke* observed, that however light a war with the States of Holland might be in the opinions of some men, he was one of those old fools, who had not forgot the old fashioned idea, that going to war was, at all events, a very serious matter, a matter which nothing but great necessity could justify. He did not intend to trouble the House with his opinion on the war with Holland, because he was not yet sufficiently informed upon the subject; nor did he conceive from the heads of the papers just read, that he was likely to get the information necessary for him, and for the House, before they came to any decisive judgment upon what the King's ministers had done. He did not, if his ear had not been deceived, hear the clerk read the title of a memorial which had been delivered by sir Joseph Yorke in the year 1777, a memorial, which he could not but consider as highly necessary to be laid before the House with the others. Though, for want of the proper information, the justice of the war, perhaps, could not be entered upon, yet there were other considerations well worth the attention of the House; the question struck him as a prudential question, for circumstanced as we were, the prudence and the policy of the war were not less important points to be examined than its justice. He hoped, therefore, since ministry had reduced parliament to the alternative either of supporting the war, or of becoming liable to the charge of abandoning the cause of their country, that they had ample proof to lay before the House, that the war was prudent, or that it was unavoidably necessary. The manifesto stated, that a treaty was entered into between the city of Amsterdam and America; this was a fact which lay with ministers to make out. The treaty, the title of which the clerk had just read, as the title of one of the papers, was, in the express terms of it, the plan of a treaty, or the rough draft of a compact hereafter to be entered into between the intended contracting parties. He wished to know, whether the King's servants had, either among Mr. Laurens's papers, or by

any other means, obtained a copy of any treaty actually entered into and executed? The treaty, the title of which had just been read, depended entirely upon events, that were unknown and might not happen, in which case the treaty was never to be ratified. This treaty, therefore, was no more than a speculative essay, a mere contemplative project. He should reserve his further sentiments upon the message till a future day; but he could not avoid reprobating the late long adjournment of parliament, as a matter highly criminal in ministers, who (as they must have known that a war with Holland was likely to take place,) ought not to have adjourned, or but for a very short period. How that adjournment came to be for so long a time, and why so material a circumstance as a declaration of war with Holland was ventured on by ministers during a recess, when there was the strongest reason for them to have kept parliament in hand, was a matter which would be well worth a future enquiry. He concluded with asking, whether the memorial of 1777 was delivered with the others or not? * Lord North said, every

* This Memorial was not laid before the House, but the following is a copy of it :

Memorial presented by Sir Joseph Yorke to the States General, on the 21st day of February, 1777.

"Since the commencement of the unnatural rebellion, which has broke out in the English colonies against the legal constitution of the mother country, [the undersigned ambassador extraordinary and plenipotentiary of the King of Great Britain, has had frequent occasions to address himself to your High Mightinesses, in the name of his master, to engage them by all motives of national interest, of good neighbourhood, of friendship, and finally of treaties, to put a stop to the clandestine commerce which is carried on between their subjects and the rebels. If the measures which your High Mightinesses have thought proper to take had been as efficacious as your assurances have been amicable, the undersigned would not now have been under the disagreeable necessity of bringing to the cognizance of your High Mightinesses, facts of the most serious nature.

"The King hath hitherto borne, with unexampled patience, the irregular conduct of your subjects in their interested commerce at St. Eustatia, as also in America. His Majesty has always flattered himself, that in giving time to your High Mightinesses to examine to the bottom this conduct, so irregular and so insufferable, they would have taken mea-

paper referred to in his Majesty's manifesto, was then on the table. The clerk then read all the papers; after which,

Lord North rose, and declared, that he thought the entrance into a war, at all times, a very serious matter; but on the present occasion, he thought it still more serious, because the war, which his Majesty had thought himself obliged to enter into, was a war with Holland, our old and natural ally, between whom and this country there had subsisted an alliance for more than a century: an alliance formed on that broad line of policy, which originally pointed out the necessity of it, and which had been a source of great benefit

asures necessary to repress the abuse, to restrain their subjects within bounds, and to make them respect the rights and friendship of Great Britain.

"The complaints which I have orders to make to their High Mightinesses, are founded upon authentic documents annexed to this memorial, where their High Mightinesses will see with astonishment, and I doubt not at the same time with displeasure, that their new governor, M. Van Graaf, after having permitted an illicit commerce at St. Eustatia, hath passed his forgetfulness of his duty to the point of conniving at the Americans in their hostile equipments, and the permitting the seizure of an English vessel, by an American pirate, within cannon shot of that island. And in aggravation to the affront given to the English nation, and to all the powers of Europe, to return from the fortress of his government the salute of a rebel flag. In return to the amicable representations made by the president of the neighbouring island of St. Christopher, on these facts of notoriety, M. Van Graaf has answered in a manner the most vague and unsatisfactory, refusing to enter at all into the subject, or into an explanation of the matter with a member of his Majesty's council of St. Christopher's, dispatched by the president for that purpose.

"After exhibiting the documents annexed, nothing remains with me but to add, that the King, who had read them, not with less surprise than indignation, hath ordered me to expressly demand of your High Mightinesses, a formal disavowal of the salute by Fort Orange, at St. Eustatia, to the rebel ship, the dismissal and immediate recal of governor Van Graaf, and to declare further, on the part of his Majesty, that until that satisfaction is given, they are not to expect that his Majesty will suffer himself to be amused by mere assurances, or that he will delay one instant to take such measures as he shall think due to the interests and dignity of his crown.

(Signed)

"JOSEPH YORKE."

"Given at the Hague,
Feb. 21, 1777."

to both countries. It was not, therefore, as his Majesty had been pleased to declare in his message, without the deepest regret, that he felt himself indispensibly obliged to commence hostilities against the United States, who, in open violation of treaties, had not only refused to give Great Britain that assistance, which those treaties entitled her to claim when attacked by the House of Bourbon, but also in direct violation of the law of nations, had, for a long time contributed as far as they could, to furnish France with warlike stores, and at length had thought proper to countenance the magistracy of Amsterdam in their insult upon this country, by entering into a treaty with the rebellious colonies of Great Britain, as free and independent states. He said he would lay before the House a short recapitulation of the many provocations given by the States General to Great Britain. By the treaty of Westminster, agreed upon in 1678, it was stipulated, that in case Great Britain was attacked by the House of Bourbon, she had a right to take her choice of either calling upon the States General to become parties in the war, and to attack the House of Bourbon within two months, or of requiring an aid of 6,000 troops and 20 ships of war, which the States were to furnish immediately after the claim was made. His lordship said this country had always preserved her faith with Holland; and had in consequence of a claim from the States, sent 10,000 of her troops over there, and shewn herself ready on every occasion to perform all the conditions to which she had made herself liable. He would next state the particular offensive parts of the conduct of the States General since the commencement of the American war.

First, the suffering Paul Jones, a Scotchman and a pirate, acting without legal authority from any acknowledged government, to bring British ships into their ports, and refit there; their saluting a rebel privateer at St. Eustatia, after suffering her to capture two British ships within cannon shot of their castles and forts; and their countenancing the conduct of Van Berkel and M. de Neufville, who had drawn up and signed a treaty of alliance with America as independent states, during their revolt from the authority of this country. His lordship then mentioned the several memorials delivered by sir Joseph Yorke; the first was, when the war with Spain broke out, to claim the

aid we were entitled to require, by the treaty of Westminster. To this purpose, a memorial was presented at the Hague in June 1779, of which not the least notice was taken on the part of the States; two other notices had been since delivered, when each shared the same fate. The reason why ministers did not proceed to strong measures on these slights, arose from their earnest wish to avoid a war with Holland, which induced them to catch at any thing that tended to make them hope that the States would yet comply with the obligation of their solemn treaty; the conditions of which were dictated by the soundest policy, and on the punctual observance of which, the true interests of both countries so immediately depended, that they could not bring themselves to imagine Holland could be so blinded by the arts of an insidious power, as to abandon her treaty, and assist the House of Bourbon in an unjust war against Great Britain. Unaccountable as the conduct of Holland was, and detrimental as her ingratitude to this country must in the end prove to herself, such had been the power of a French faction in Holland, that they had at length deluded the States into a conduct equally inimical to the stadtholder and to Great Britain. The British ministry had done all in their power to bring the States to a true sense of their interest; and when the necessity of the case obliged them to seize on Dutch ships carrying stores to France, they had paid the full value for the cargoes, and returned the ships, so that neither the private merchant, nor the states, had suffered; France only had felt the measure by her being deprived of that assistance which the freights would have given her.

In answer to Mr. Burke's remark, that the treaty was nothing more than a contemplative project, his lordship said, it was actually signed and sealed, the names of the pensionary of Amsterdam and M. de Neufville, a merchant and burgess of that city, being subscribed to it on the part of the magistracy of Amsterdam, and the name of John Lee, as commissioner for the Congress of America; but even allowing the whole extent of the hon. gentleman's argument, surely when two powers stood connected together by solemn treaty and ancient alliance, as the states of Holland and Great Britain were, it made very little difference in the scale of offence and provocation, whether a treaty like that of the pensionary Van Berkel, was fully ratified or only in progression. But to put

the matter out of question, let the hon. gentleman recollect, that the States General had refused to pay any attention to the requisition in his Majesty's memorial, that proper notice might be taken of Van Berkel and his associates; (as far as such a refusal could be implied by a contemptuous silence) and further that so far from disavowing the fact, or attempting to palliate it, the principal magistrates of Amsterdam, not only avowed the whole transaction, but gloried in it and expressly declared, even to the States General, that what they had done, was what their indispensable duty required. His lordship took notice of the court of Madrid having been induced, by the intrigues of the French cabinet, to send a hostile rescript to the court of London; and observed, that at one period of the ensuing campaign, England saw in her channel a combined fleet of the enemy, infinitely superior to the famous Spanish armada. He lamented the necessity of a war with Holland, but it was an unavoidable measure. The situation of this country his lordship confessed was truly alarming; but when he considered the stand that had already been made against the most powerful confederacy that had ever been formed against Great Britain, the little success the enemies of this country had met with in all their various attempts against us, and the spirit and resources of the nation, he did not see that gloomy and uncomfortable prospect described by the hon. gentleman who spoke last. Our difficulties were certainly great; but he trusted they were by no means insuperable. He was neither desirous of concealing their magnitude, nor afraid to meet them, great as they must be acknowledged; because he was convinced, that when the force of this country was fully exerted, it was equal to the contest, and that the only means of obtaining an honourable and just peace, was to shew ourselves capable of carrying on the war with vigour.

With regard to the commencement of the war, the matter was by no means so certain in the view of the King's servants, as to render it incumbent on them to state the situation of affairs to the House, and to plead it as an argument for their continuing to sit during a recess, which for various reasons was highly necessary. When the answer of the States was sent by sir Joseph Yorke, in December 1780, and it appeared from it, that, instead of going fully into the business, and coming

to a satisfactory determination upon the subject of the frequent memorials, presented on the part of Great Britain, the States had chosen to take the matter *ad referendum*, and put it off to a very late day indeed; it became immediately necessary for his Majesty to act with firmness, and not to lose a moment before he proceeded to endeavour at least to do himself justice. His lordship concluded with moving the following Address:

"Most gracious Sovereign,

"We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, return your Majesty our humble thanks for your most gracious Message, and for having been pleased to communicate to this House, your Majesty's public Declaration, of the causes and motives which have obliged your Majesty to direct letters of marque, and general reprisals, to be issued against the States General of the United Provinces, and their subjects.

"Permit us, Sir, to assure your Majesty, that we take a most sincere part in the concern and regret which your Majesty expresses, for the unavoidable necessity of hostile measures against the ancient friends and natural allies of your kingdoms.

"We acknowledge, with the warmest sentiments of gratitude, the wisdom and moderation of your Majesty's conduct, in using every endeavour, before your Majesty proceeded to extremities, to prevail on the States General to revert to that system of sound policy which used to govern their councils in the best times of the Republic, and which formed and established her union with Great Britain, for the common interest and mutual safety of both countries.

"We beg leave to assure your Majesty, that your faithful Commons will, with a firm and determined resolution, support your Majesty against all your enemies, in the prosecution of this just and necessary war, for the maintenance of the honour of your crown, and of the rights and interests of your people."

Lord Lewisham seconded the motion. Every gentleman present knew, he said, that the most wanton wars against Holland had taken place in those periods, when the interests of the crown and of the people had been distinct and different; hence, in the infamous reign of Charles the 2nd, they had been not more frequently than unjustly commenced. After the

Revolution, however, when our glorious deliverer, William the 3rd, swayed the sceptre of these realms, a very different line of conduct was adopted by us. That prince seeing, what every man must see, who has a just sense of the true interests of Holland and of Great Britain, that they are one and the same, cultivated a friendship between the two countries; his ministers did the same; the example was followed by the Whig ministers in the glorious part of the next reign, that of queen Anne, and it had continued all the two subsequent reigns; during the whole of which time, the states had reaped the greatest advantages from the alliance. It was not, therefore, without astonishment, that he now saw, what he had scarcely thought possible; namely, that a French party could have gained so much prevalence in Holland, as to make her lose sight of all policy, forget how intimately her welfare and prosperity was blended with the welfare and prosperity of Great Britain, how much she owed to this country in the reign of Elizabeth, how much she was indebted to the services of that brave, that successful commander, and no less wise and judicious negociator, John, duke of Marlborough, and how much also her interests had been supported by the services of our other generals, in the continental wars pursued by us in the latter end of the reign of king William, and the beginning of queen Anne. The present war, he was persuaded, was neither wanton nor unjustifiable; and although no man more sincerely lamented that occasion should arise for her coming to a rupture with her old and natural ally, the States General; yet, from a knowledge of the repeated provocations given by Holland, and of the unexampled forbearance shewn by Great Britain, he was firmly of opinion, that the war commenced against the States, was a war of indispensable necessity. It had been proved, to the conviction of every man, that the Dutch had long been employed in assisting France with warlike stores, and it had for some time been suspected, that they were inclined rather to give aid to the revolted colonies of America than to comply with the faith of treaties. Her failure to do Great Britain justice had been evident, and her inclinations towards America were now equally evident. Nothing could have induced the States to act the part they had lately exhibited, but the baneful influence of French gold, which had so far

prevailed as to make the Dutch deal thus treacherously by us; therefore he thought his Majesty entitled to the cordial thanks of the House, as well as an immediate assurance of their determination to support the vigorous measures his Majesty had resolved to pursue, since every man must agree, that it was better to have an open enemy than a treacherous friend.

Mr. *T. Townshend* said, that year after year the noble lord in the blue ribbon had told the House of a new enemy; but since the commencement of the American war, he had never brought down the welcome news of our having gained an ally. The noble lord had been very copious in accounting for the present war with the States General, and had justified the measure on the ground of necessity, ascribing it wholly to the provocations given this country by the Dutch. Had Great Britain given Holland no provocation? Had she never put the States out of humour? Was their conduct altogether unreasonable and unprecedented? Had the noble lord forgot the memorial of 1777, commonly called lord Suffolk's memorial; but rather because it was sent from his office, than from any proof that it was penned by that noble earl? He did not think so ill of ministry as to imagine they would take refuge from the blame due to the authors of it, by ascribing it to the late earl. He loved that noble earl while living, for his integrity, his liberal mind, and his many virtues; he revered his memory, and he would always defend his character. Nor did he believe ministers would venture to ascribe it to sir Joseph Yorke. All who knew that gentleman knew his great abilities, and knew him to be incapable of offering such an insult to a state in which he had resided for 27 years, and which he loved and respected. The memorial, he was persuaded, was not of his penning, but it was a paper that ministry might well be ashamed of; he wondered not, therefore, that although he had endeavoured to obtain a sight of it, and had often called upon the noble lord and his colleagues to declare who was the author of it, he could obtain no satisfaction. In that memorial the stile was so arrogant, that the Dutch had complained of it, and declared it a sort of language which one independent state had no right to hold to another. It was to the insolence of this memorial that the House were to ascribe the prevalence of the French faction in Holland. The noble

lord who spoke last, had ascribed the prevalence of the French faction in Holland to the influence of the French gold. He wished French gold had not been used to create an influence nearer the capital of Great Britain! At any rate, he trusted that he had ascribed the prevalence of the French faction in Holland to its true cause, the foolish conduct of ministers, in holding a language to the States General in 1777, which it would not be decent to hold to the most petty state in Europe. The same noble lord had chosen to mention the reign of William 3, and the first years of the subsequent reign of queen Anne. He wished to God there was any parallel between those reigns and the present! In those reigns, as in the time of all Whig ministries, great alliances were sought and obtained. This country had not then the madness to hazard a war with all the world, without a single ally. This country was then in the full career of victory and of glory. The duke of Marlborough, whom the noble lord had mentioned, was a great and a successful general; he was the happy instrument of extending conquest, and acquiring territory for Great Britain. We had at that day no American war, no obstinate perseverance in a fatal error, to create calamity, and multiply misfortune. What ally had we now to bear us up against the enormous force of opposing foes? Those individuals, who hoped to gain by their success in privateering, might feel some comforts in the avaricious hope of deriving emoluments from a war with Holland; and at the beginning of the contest, those hopes might be answered; but where was the prospect of advantage, in a national view? Would the noble lord say, we might be able to destroy the Dutch trade? What was that, but to injure, perhaps to ruin our own? For if the war continued, what maritime mercantile state remained capable of carrying our manufactures of various kinds, to all quarters of the globe, as the Dutch had done for above a century? The noble lord had talked loudly of the national honour, and had made injured honour one pretext for the war. Did the noble lord think, that this was a fit moment for Great Britain to go to war with her ancient and natural ally, merely on a point of honour? What assurances could the noble lord give the House, that we should not soon have cause to complain, that the national honour was wounded by Russia? What assurances could he

give, that Portugal was not likely to wound the national honour? Would he pledge himself to the House, that Denmark had friendly views? The noble lord seemed not to be aware, that a war with Holland was not like challenging a single foe. He surely forgot, that there was such a thing established as an armed neutrality, and that in all probability, the war with Holland would bring upon us the neutral maritime powers of Europe, that were not already at war with us. The noble lord had stated it as a great offence on the part of the States General, that they had not complied with the memorials presented by sir J. Yorke, and furnished the assistance required. Did the noble lord recollect that Great Britain was in fact obliged to Holland, for not complying with the treaty, and perhaps Holland had abundant reasons for her refusal, or rather her neglect to comply with the treaty. If she had, this country must have been a loser upon the whole. All that we had a right to expect was 6,000 troops, and 20 ships of war. The instant they had been furnished, the territories of the States would have been attacked, and then, in compliance with the treaty so often mentioned, we must have sent a large army into Holland, and supported her with a great naval force. Upon the whole, he declared, that he could no otherwise account either for the war itself, nor for the defence of it, than by supposing, that the report so industriously propagated by the creatures of administration, immediately on the publication of the manifesto, was believed by ministry themselves, and that they really thought that paper would create an immediate insurrection in Amsterdam and other cities and towns in Holland. He had for a long time seen the folly of opposing ministers in that House; indeed, from the noble lord's declaration, at the end of his speech, it was plain the noble lord was of the same opinion. For his part, perhaps the wisest step he could take, would be never to set his foot in that House again, and indeed he would not have given himself the trouble of attending and rising as he had done, had it not been for the unwillingness he felt to desert those whose principles he honoured, and for whose persons he had an affection, and who, he understood, were still willing to stand forward in behalf of the liberties of the people, and the interests of the nation, against a weak, a wicked, and a dangerous set of ministers, who meant to de-

stroy the one, and had already put the other in such immediate danger, and brought them so near ruin, that unless there was an instant change of men and measures, there were but little hopes of recovery.

Mr. *Eyre* said, he was for vigorous measures against Holland, and declared, that so far from not agreeing that the war was indispensibly necessary, he was convinced, that government would have shewn the most dastardly pusillanimity, and been at once regardless of the honour of Great Britain, and the rights of her subjects, if the manifesto had not been published and sent to sir Joseph Yorke. The Dutch, it was notorious, had, during the whole contest, been busily employed in furnishing the French with naval stores; and they had, in more than one instance, openly countenanced the Americans in their revolt. He said, he deduced his argument from a variety of facts which had been well authenticated, and were stated to him in letters written by persons on the spot, of undoubted veracity. By a letter from Antigua, dated 30th Nov. he was assured of one strong fact, that would serve to prove his assertion, and this was, that the Dutch admiral at St. Eustatia had ordered all the prizes, that the British privateers had made from the Americans, and that were then there, to come under his stern; which being complied with, he immediately ordered the captains to restore the ships instantly to their original owners, and this without a trial in any admiralty court, or any judicial process whatever. He appealed to the House, whether a proceeding of this unwarrantable nature, became a power in alliance with Great Britain, or whether such unexampled injustice ought to be patiently submitted to? He advised ministers, therefore, to pursue the war against the States General in a steady and determined manner. He remembered that in the two last wars we had not stood upon ceremony with the Dutch, but had seized their ships freighted with contraband goods to the value of millions, had brought them into port, and condemned them. If ever it was necessary to act without ceremony towards the Dutch, it was at this moment, and he hoped ministers had taken proper orders to their admirals and generals, by which means such blows might be struck as would most cripple the Dutch. In particular he hoped to hear soon that the island of St. Eustatius, that abominable

nest of pirates, was in our hands. It was that island which had given the Dutch such frequent opportunity of acting treacherously with Great Britain, and of assisting her enemies.

Mr. Wraxall and lord John Cavendish presented themselves to the chair at the same time, as desirous of speaking to the question; but the eagerness of the House to hear a new member, and lord John's natural politeness, obtained the former gentleman a hearing first.

Mr. *Nathaniel Wraxall* apologized for rising, and claiming the attention of the House, by declaring the peculiar state of the empire, and the accumulation of danger, were so critical and extraordinary, that, in his opinion, it behoved every member, who had formed an opinion upon either the one or the other, to let his sentiments be known, in order that his fellow subjects might profit by them, if they contained a single idea that could be rendered in the least degree conducive to a recovery of the national prosperity. After this exordium, he called back the attention of the House to the peace in 1762, observing how glorious our situation was at that period, and adding, that it was followed by succeeding years of splendour, during all which time we were not only the envy of the modern world, but our greatness far surpassed the greatness of ancient Rome at its brightest æra. He followed this eulogy with remarking, that we had since experienced an alarming gradation of misfortunes, which he traced from their commencement down to the present unfortunate moment. The spark, he said, first appeared at Boston, and on the banks of the Delaware in 1774—that spark, which not only soon set the whole American continent in a flame, but which, at length, communicated itself to the continent of Europe; till at length, in 1778, France interposed, and delivered her hostile rescript to his Majesty's ministers in London. The business of that campaign he dwelt on, as the most unfortunate for this country that could have happened, and when he came to touch upon the fatal 27th of July, he gave a loose to the feelings of his mind, and said, that day, that disgraceful day, on which the honour of the British flag was ingloriously sullied, on which the French fleet were shamefully suffered to regain their ports, scarcely sensible of the effects of a partial action, on which an opportunity of terminating the war with glory was suffered to escape,

that day ought to be blotted from our calendar, and no more remembered, or if remembered, it ought to be kept as a day of humiliation! Recovering from the animated stile of sensibility into which the subject had led him, Mr. Wraxall returned to his historical narrative, and said, he wondered not, after the campaign of 1778, that Spain, though slow, yet true to the interests of the elder branch of the House of Bourbon, should, in the commencement of 1779, join France in the confederacy; but he said it was reserved for our astonishment and indignation in the last day of December, 1780, to see the tardy Dutchman, long engaged in the silent arts of commerce, and a stranger to war for near half a century; to see a nation which owed its origin, its progress, and its protection, to the fostering hand of England, now join the standard of the House of Bourbon against its only natural ally.

He drew a comparison between the wars in which Great Britain was now engaged, and those which Louis 14 had been engaged in, during his life-time, in order to shew that they were extremely dissimilar, the wars of Louis 14 having almost every one of them been wars of intention, of system, of premeditation; wars that were planned in the closet; wars debated, settled, and decided upon in the cabinet of Versailles: whereas, the wars Great Britain had at this time upon her hands, were wars into which she had unwillingly entered; wars of compulsion, wars that she was obliged to undertake, or resign her just rights, and with them publicly abandon all claim to honour, to dignity, and to power, as a free and independent maritime state. Having clearly ascertained this point, he said, he was come to that period of his speech when it would have been fit to have taken a view of the extraordinary situation of this country, in the moment that he was speaking, was he not unfortunately convinced that the picture would have presented a combination of images too melancholy and too expressive of our misfortunes, already sufficiently well known, to have been either desirable or necessary for him to describe. He would therefore spare himself the trouble of going into an examination of the present state of our affairs in America, in the West Indies, in Ireland, in India, in Africa, and at home, and taking for granted that it was admitted on all hands that we were in a state of increasing danger, and labouring under every species of

distress, would come to one short question upon the subject. In this crisis, where were we to find protection? How retrieve our former situation?

And here, Mr. Wraxall said, it would be proper to consider a little, what had been our practice in former wars, and whence we had chiefly derived our success. A great part of our present misfortunes, he conceived, had their source in a new policy, which this country had lately adopted, and in a blind bigotry to that political tenet, which he never would consent to embrace, and which, he was fully persuaded, had no foundation in truth, no foundation in policy. The tenet to which he alluded, was that lately established by those, who, he was persuaded, did not understand what they had endeavoured to maintain, viz. "That continental connections were incompatible with the true interests of Great Britain." If the truth or falsehood of any maxim was to be judged of by a recourse to long experience (the best test of all maxims civil, religious, or political!) we had every reason in the world to deny the new policy, and adhere to the old one. Let the House advert to the wars of king William, the wars of queen Anne, and the still more recent wars of 1741 and 1756, and they would see, from the incontestible evidence of established facts, that this country, in all those wars, had deduced most essential advantages from our having continental connections. But it was from the history of France, and from her annals, that the proof of his assertion might be still more strongly and incontestibly deduced. He appealed to every general who had successively commanded the armies of France since the brightest æra of Louis the 14th's reign; to the great names of Turenne, of Condé, and of Luxembourg, covered as those heroes were with laurels and trophies; to justify his position, that continental wars had ever been fatal to France. He appealed with still more reason to the calamitous war of the succession; to Vendôme, to Villars, and to Villeroy, to evince the fact. He appealed to the manes of those Frenchmen, who in the war of 1741 had perished in the marshes, and among the mountains of Bohemia, under Bel-leisle and Noailles. He lastly appealed to the glorious plains of Minden and of Rosbach; to every man who commanded the armies of France in the late war; to D'Etrées, to Contades, to Richlieu, to Broglio, and to Soubize. France, he said,

still retained deeply engraven on her bleeding bosom, the sanguinary characters in which was written the truth of this assertion. To look at the system of having no continental alliances, as adopted at the peace of Fontainebleau in 1763, in another point of view, let the House examine it to the bottom. Let them appeal to their own feelings, whether its destructive consequences were not among the essential causes of our present misfortunes! Having urged this, Mr. Wraxall demonstrated the necessity of our procuring an immediate ally on the continent; a doctrine which he enforced with the strongest arguments, and with all the zeal and ardor of a man speaking from the impulse of the fullest conviction. He ended this head of his speech with asking, who was to be this ally? And in order to prepare the House for the mention of the power whose alliance he thought most likely to be of service to us, he drew a picture of Europe as it stood at the present time.

He first began with a description of Denmark. That country, he said, from which formerly issued the pirates and the conquerors of the North, was now sunk into a situation which left little to fear or to hope from her enmity or her friendship. Since the middle of the last century, when the politics of Europe had assumed their modern form, Denmark had been almost uniformly friendly to this country; but, by one of those many singular fatalities which seemed now to oppress the empire, Denmark was become inimical to England. He mentioned the revolution of 1772, and said, Denmark had at present a government feeble and incapable, a ministry and a regent hostile to Great Britain; Norway scarce held in subjection, a wretched army, a navy incompetent, and inadequate, even supposing the inclination to afford us any assistance. He next called the attention of the House to Sweden, governed by a king rendered absolute by French money in 1772. Sweden, ever since Christina and Gustavus Adolphus, had been uniformly the ally of France. French councils and French connections had ever preserved their ascent in the court of Stockholm, which from every principle and every motive was hostile to the interests of this country. Sweden, like her sister Denmark, was now far declined in splendor and in force. Her fleets and her armies were confined to the limits of the frozen Baltic. Modern Sweden was no longer

able, as under Charles the 12th, to march armies into Saxony and Bohemia, and strike its terror into Vienna and Versailles; whence, and from other data, he clearly proved, that all hopes of support from Sweden would be fruitless.

He then took a view of Russia, and described the empress and her character, on which he passed a warm eulogium. He spoke of her attachment some years since to Great Britain, and her disposition to assist us. But that moment, he said, was past and gone; we had lost it by our own want of exertion, and the empress was no longer friendly. She neither was willing, nor if she had it in her inclination, was it in her power to afford us effectual and decisive assistance. The junction of a Russian squadron was not now to be hoped for; nor if such a circumstance took place, would it ensure a certain superiority over the united navies of France, Spain, and Holland. With regard to her land forces, the empress could not now, as was done in 1747, march an army from the gulph of Finland to the Rhine, without the permission of the Houses of Austria, or Brandenburg, or perhaps of both. He proceeded in his picture, and after observing, that Poland, Sardinia, Naples, and Portugal, were only kingdoms in name, and in the empty honours of the diadem, and therefore of little consideration in a matter of such vast importance, came to his *ultimatum*, laying it down as a fair conclusion, from what he had said of Denmark, Sweden, and Russia, that it was either from Prussia, or Austria, that we must derive assistance. In order to ascertain which of the two was best enabled and most likely to prove a powerful ally to Great Britain, he went into a description of the present situation of both those powers.

He began with explaining the extent of the Prussian dominions, and stating the force of the Prussian army, the nature of the Prussian finances, and the degree of resources which Prussia possessed. He said, that by the latest returns of the army, they amounted barely to 208,000 troops, including Bosniaques and Hussars; that nearly one-half of these were Poles, French, or composed of every nation of Europe, enlisted in that service. He afterwards drew a picture of the present king, and contrasted what he is, by shewing what he was during the last war, and by describing his conduct and character from 1756 to 1763. He next asserted,

that the king was no longer that great prince and great general which he had with truth been believed to be some years ago; that he was infirm, far declined in years, in corporeal and intellectual vigour, and perhaps sunk in reputation. That he had retired from his people, and lived like a recluse, shut up in the gloomy apartments of Potsdam, scarce seen by his subjects. In fine, that he was no longer the hero who fought at Lissa, at Rosbach, at Prague, at Torgau, and at Lowositz, who carried victory wherever he appeared; who was *ipse agmen*, and who had marked every year of the late war by glories and by trophies. After this portrait of the Prussian monarch, the great features of which Mr. Wraxall rendered very striking, by touching them with a peculiar boldness of pencil, he proceeded to give other reasons against a Prussian alliance. He stated the king's known enmity to Great Britain, and his obvious predilection for France. He spoke also of the subsidy which yet remained due to him from this country, and mentioned the great inferiority of his force to that of the House of Austria, adducing as an additional argument, the general disaffection of his soldiery, who complained, that in the late rupture with the emperor, they had not been led on as they used to be in former wars, when they had been almost uniformly victorious.

He then turned to the favourite object of his speech, the recommendation of an alliance with Austria. He drew a picture of Austria, describing its vast extent of dominion, its great resources, the number of its army, and its present state of finance. He said, that the imperial forces at this time amounted to 243,000 men, mostly drawn from the hereditary kingdoms and provinces of that extensive monarchy; and that they could be with ease augmented to 320,000, as was actually the case, previous to the treaty of Teschen, in April 1779. He spoke also of the situation of the Austrian empire, as far as it rendered her capable of annoying and attacking France, and reminded the House of our ancient alliances and wars under Leopold, Joseph the 1st, Charles the 6th, and in 1742, in the reign of Maria Theresa. The mention of this princess led him into a description of the court and capital, which he followed with a description of Maria Theresa herself. That great princess, he said, though attached to England in the beginning of her reign, and though

in some measure indebted to us for the diadems she wore, yet in the evening of her life, had become, from various private and political causes, fatally estranged and alienated from the English nation.

He spoke of her religious prejudices, and of her attachment to France. He observed, that she had three daughters married to princes of the House of Bourbon, and accounted for her disinclination to war, from religion, from age, and from other powerful motives. He emphatically said, the guardian gods of the Britannic empire removed her, by death, on the 29th of November last, an event which occasioned a great change in the court of Vienna. He next drew a picture of the present emperor, Joseph the 2nd, stating his age, and describing his education, ambition, activity, and courage. He declared that the present emperor had a perfect knowledge, not only of his own dominions, but of France, and of various parts of Europe. He said, that since the emperor Adrian, who bareheaded and barefooted had traversed at the head of his legions, the vast provinces of the Roman empire, no prince had so accurately and so minutely visited his territories as Joseph the 2nd had done. He described his thirst of glory, and above all, his desire of opening the commerce of India and of the world to his subjects, in glowing terms. He followed this with an eulogium on his enlarged mind and capacity, declaring that the emperor entertained a dislike to France, and a jealousy of that neighbour, both of which were rather confirmed than removed by his late journey to Paris; on the contrary, that he had a sincere regard for the English nation; a regard which we might improve greatly to our advantage: for the emperor was superior to all religious prejudices, or the influence of mere family connection; he had shewn himself capable of great exertion in every department of state; his reign was just opening, and his present situation such as would give every possible facility to negotiation. Mr. Wraxall said farther, that the emperor's superiority over the king of Prussia as a power of Europe was prodigious; that his conduct during the short war of 1778, and the ascendancy which his troops then gained over those of Prussia, proved at once his ability as a general and his power as a prince.

He added, that the emperor had an army of between 3 and 400,000 men, the finest troops in Europe, who idolized their

sovereign, were all anxious to shew their zeal and attachment to him, and had expressed some mortification when their royal master sacrificed his martial ardour to the pacific disposition of his late parent. He likewise reminded the House that we had some claim to the emperor's friendship, having supported his grandfather's pretensions to the crown of Spain, and established the tottering throne of his mother, the late empress. He directed the attention of the House to the emperor, as to the descendant of Leopold, whom we had sustained against the arms of Louis 14. As to the nephew and the grandson of Joseph the 1st and Charles the 6th, for whom our ancestors had fought and bled in Spain, in Flanders, and in every quarter of the earth; as to the son of Maria Theresa, whom we had rescued from the oppression of the House of Bourbon. After enforcing these and other arguments, and after having drawn a most animated character of Joseph, and described and dwelt on his virtues and qualifications, with all the warmth of a passionate admirer, Mr. Wraxall said, the question that must naturally result to the House from what they had heard relative to the present emperor, must be—how was the emperor to be induced to help us? To this he should answer, by making him three great leading propositions: first, by a vote of a million, to enable him to take the field; secondly, to open Antwerp as a free port; thirdly, to offer him in India, Malacca, Ceylon, Cochin, or even Negapatnam.

In support of these three propositions, Mr. Wraxall argued for a considerable time. With regard to the first, he made an able defence of it, and shewed its absolute necessity, proving the emperor's want of money by facts, and arguing as a consequence, that there was the greater probability of his being open to such an offer. He met the objections that he foresaw would be made, on the score of the present national distress of Great Britain, and did them away, by declaring at once, that if under our present circumstances, and for such a purpose as the obtaining so powerful an ally, we could not spare a million, in God's name let us instantly beg peace on our knees, as Louis the 14th did at Gertruydenburg in 1709. With regard to the second proposition, that of opening the port of Antwerp, he first described Antwerp, and the Scheld, and then the city of Amsterdam and the Texel, shewing that the former was every way superior

in point of situation to the latter, and in point of commercial convenience and advantage. He compared the two rivers, and their navigation and depth of water; from the whole of the comparison it was evident that Antwerp was vastly superior, as a port, to Amsterdam. He then spoke of the impediment to the present navigation of the Scheld, declaring that he was well informed the Dutch had not merely sunk a parcel of stones, but that with great pains and labour, and at a large expence, they had built within side of a vessel of considerable magnitude (which served as a kind of caisson) a regular work of stone, cemented and joined together in the strongest manner, with a view to enable it the better to resist the depredation of time, and the attempts of engineers to remove it. The impediment, he said, he nevertheless did not consider as irremovable, though the getting it away would probably cost a large sum.

He then entered minutely into another important obstacle to the revival of the trade of Antwerp, which was the fortress of Lillo, constructed by the Dutch in 1584. Lillo, he said, was situated on the eastern bank of the Scheld, about 8 miles north-west of Antwerp, and about three miles above the spot where that river divides into two branches. This fort entirely prevented the commerce of Antwerp, by the severe duties exacted on all articles of merchandize; but in case of a rupture between the emperor and Holland, it could not hold out a single day. By way of enforcing this plan of opening the port of Antwerp, he gave an account of the opening of the port of Ostend by Charles 6, and of our compelling him to shut it up again in 1728, and shewed that immense advantages might be gained by Austria from following a similar plan, and that the almost inevitable consequence would be great injury to France, the ruin of Holland, and material benefit to Great Britain.

In support of his third proposition, relative to India, he gave an account of the emperor's protection of Mr. Bolts, and his efforts to establish a commerce to India from Trieste, shewing how far he had advanced in that project, and the great personal attention which he paid to it, whence he inferred, that the emperor had the utmost anxiety to gain an establishment in India. As a proof of this fact, he mentioned the circumstance of Mr. Bolt's having proposed to one Cloman (who had

been secretary to the Danish settlement of Trankebar, on the coast of Coromandel) to go as resident to the islands of Nicobar in the Bay of Bengal, where Bolts had erected the imperial flag, though those islands are claimed by the court of Denmark. Since, therefore, it was the great object of the court of Vienna to acquire some possessions in India, he proposed the offering Malacca, Ceylon, and Cochin, or even Negapatnam, to the emperor, each of which he minutely described. To add to these great and irresistible inducements, he said, we ought likewise to diminish the duties on Flemish laces, and on other articles exported from the Austrian Netherlands.

Having thus explained his ideas of the means and terms of the negociation with the court of Vienna, which he had advised, Mr. Wraxall went into a consideration of its consequences. In order to shew which, he first gave an ample description of the grand cantonments in Bohemia, Bavaria, Upper Austria and Swabia, and then said, that the emperor must march towards the Rhine, as Prince Charles of Lorraine did in 1744; he must demand his patrimony of Lorraine torn from him in 1737, and he must re-demand Alsace, as depending on the empire. Could it, he demanded, be doubted, if this scheme was practicable? Could it be questioned, whether the emperor was able to force a passage across the Rhine? How often had Mersi and Monteculi and Piccolomini passed the Rhine in the last century, in defiance of the armies of France? Had we not repeatedly passed it, during the wars of queen Anne in 1707 and 1708, when George the 1st, then elector of Hanover, commanded the allied army? Had not Prince Charles of Lorraine passed it in 1744, when a mareschal of France fled before him, when Louis the 15th flew to the rescue of his country and his frontier, when the Austrian army carried terror to the borders of Champagne and Burgundy? All these objects Mr. Wraxall contended were practicable, and that the king of Prussia was incapable of preventing the emperor from sending an army of 50,000 men towards the Rhine, for that the emperor could increase his army at pleasure, and the marches he had suggested, might be performed with such infinite rapidity, that the Austrian army might be at the gates of Strasbourg by the first of June next. What would result from this? France must defend herself, and the moment

France is compelled to march 50,000 men fifty miles from her own frontiers, from Metz, Thionville, Strasbourg, and Brisac, or from her garrisons in Flanders, down falls her boasted navy, her finances are instantly alienated, and no more money can be sent to Brest, Rochfort, or Toulon! Madrid and the Hague will also be instantly shaken, their navy will crumble away, and cannot be recruited, or money found for its equipment. Our object is gained!

Having thus elucidated his whole plan of advice, and shewed its probable consequences, Mr. Wraxall drew towards a conclusion, leading to it by a most pathetic exhortation to the House, not to lose time in vain and idle deliberation, but instantly to open a negociation with the emperor. Impediments, he acknowledged, there were in the way of his project, but they were not insuperable. Great minds conquered obstacles—they were made for them. The destruction of France was incontestible if the emperor joined us, and marched towards the Rhine. England would be saved, restored to her ancient glories, and capacitated to destroy the marine of France and Spain. That navy, he declared, must be destroyed. He knew there was no spell, no magic, no charm, nothing cabalistical in the words *delenda est Carthago*, which had been used by a noble lord in a former debate, and which some gentlemen had attempted to turn into ridicule; but they were words which conveyed an idea that could not too often be presented to the minds of ministers, to the minds of that House of Parliament, and to the minds of the nation at large. *Delenda est Carthago* must and ought to be the first of all considerations at this crisis; there was no other expedient to be discovered that could save us in our present distress, but destroying the navy of the House of Bourbon. He paid the highest compliments to the abilities of the King's servants; he said, he had no doubt of their extensive capacities, and their great qualifications; he only begged leave to recommend to them vigour, firmness, celerity, and dispatch; on all of which, combined, our safety depended.

Mr. John Sinclair * expressed a mixture of regret and indignation, in which the latter was the chief ingredient, at this quarrel with Holland, a country bound to us by so many ties of intercourse, a simi-

* Created a Baronet, February 4, 1786.

larity of opinions and of prejudices, gratitude and interest. While so many powers were leagued against Britain, that Holland should join the general confederacy was indeed astonishing, and to that country we might apply the proverbial words, *et tu, Brute?* He recollected, on this occasion, the sentiments of De Witt, who had invariably considered Great Britain as the natural ally and only protectress of Holland. The reasoning of that great and virtuous citizen should raise the spirits of gentlemen in that House, and determine them to defend the greatness of the British empire with manly vigour. De Witt had said, that if ever Holland should break with Great Britain, the latter power, from her superior local advantages, must prevail in the contest. The Dutch avoided the rocky and dangerous coast of France, even in fair weather, and in tempestuous seasons were obliged to sail under the English coast: how easy, therefore, to intercept their trade in the Channel, and how easy to drive them from the coast of Scotland, from the fisheries on which, to the eternal disgrace of the English, they drew annually five millions sterling. He exhorted the House to be firm. There were yet spirit and resources in this country sufficient to extricate it out of all its difficulties: but if you flinch, if you lose by timid counsels, your rank and dignity amongst the states of Europe, "farewell—a long farewell to all your greatness!" For when we fall, "we fall, like Lucifer, never to rise again!" He said, that if there was despondency, it was only in the senate. All ranks without doors were in the highest spirits, fitting out privateers against the enemies of their country, and subscribing money for its defence. It was a shame that any appearance of doubt and fear should exist within the walls of that House. For his part, he would never encourage any speeches against the proposed address, or any amendments; but declared, from his soul, his hearty resolution to resist all the enemies of his country.

Mr. Alderman *Sawbridge* said, he felt no shame in endeavouring to mollify the resentment of a natural ally, now an unnatural enemy. He did not wish that any violence or precipitation in that House should increase the flame. He rather wished to soften matters by moderate speeches and prudent councils. He proved that ministry had been the aggressors in all the wars in which they are involved.

He insisted that the haughtiness of Great Britain had combined the world against her; and that the war with Holland was unjust and impolitic. While France was the first power in Europe, the nations around were confederated against her: when Britain rose to an envied pitch of greatness, a just apprehension of a similar hostile confederacy should have taught her justice, wisdom, and moderation.

Lord *John Cavendish* had made no opposition to a war with Spain and France, because those nations were the aggressors. Here, he confessed, when a war was declared against Holland, he paused. He wished for farther information on that subject. He wished to know if it was unavoidable. The noble lord had complained that the Dutch had broken the treaty between their country and this; but had proper means been used, in order to engage them to abide by the treaty? Was the noble lord to be informed, that treaties never bound any nation in opposition to strong passions or interest? Had any pains been taken to keep the passions and the interest of Holland on our side? The noble lord had talked of the operation of French gold in the United Provinces. And what if some English gold had been sent over to counteract the operation of the French gold? It was often worse employed. He would not give his negative to any motion that implied a resolution to support a war against the Dutch: but he desired time to consider of it. He therefore proposed, as an amendment to the Address, that instead of the words "for the unavoidable necessity of hostile measures against," the words "on account of the present rupture with" be inserted.

Sir *E. Astley* represented the growing burdens of this country, and asked ministers and placemen, whether they would set an example of cheerful support, by contributing to the public cause out of their great pensions and salaries?

Mr. *Fox* said, he was as little apt to despond as any man: but true courage did not consist in blindly rushing forward upon danger, but in opening our eyes, estimating its magnitude, and devising means of escaping from it. The origin of this rupture with Holland, he ascribed to lord Suffolk's memorial to the States General in 1777. This alarmed the pride and jealousy of the Dutch, and gave the French faction a handle against the friends of England. These are the friends you wish to support rather than the French;

a proud and haughty people, who want to treat you as their dependants, and not as a free state. He contended, that all the troubles which fell upon this country originated in a change of political opinion. For had the true Whig principles prevailed, that prevailed in the days of king William and queen Anne, at least in the first part of her reign, and in the two subsequent reigns, America would now have been fighting by the side of Great Britain, or rather, the liberties of America not having been invaded, the occasion of all the quarrels that now subsist would have been prevented. But the interest of the prince, that was, of the ministry, was now conceived to be different from that of the people; the honour of the crown was to be maintained at the expence of the ruin of the people, and provided they governed, the condition of those who obeyed was a matter of indifference. The reign of Charles 2 had been called an infamous reign. But not one of the Stuarts had done so much mischief to this country as the present ministry. The mischiefs done in the reigns of the Stuarts were retrieved by a revolution in political principles, but the ills that had happened in the present reign were irreparable. The empress of Russia and his present Majesty had mounted the thrones of their respective empires much about the same time: but how great the difference in the two reigns! Great Britain had declined with a suddenness equal to the rapidity with which Russia had risen to her present eminence. He did not accuse ministry of want of sense, or of acuteness and penetration. Even errors of judgment, which were pardonable in individuals, were crimes, indeed, in ministers; for if they were not fit to hold the reins of government, they had no business to grasp them. But it was not with want of capacity that he charged them; they had capacity, but it was all exhausted; not in foreign politics, for that was the business of the nation, but in managing that House, and other similar things, which was their own interest. But it was commonly said, we are in a bad state; but what signifies it to inquire how we came there; the matter is, how shall we extricate ourselves from it. This would be good reasoning if we were reduced to the last extremity of wretchedness; but it is not good reasoning so long as we have any thing to hope for. While it is possible for ministry to lead us, through their misconduct, into a more deplorable

condition than we are in at present, the enquiry into the cause of our growing calamities is neither impertinent nor useless. When the colonies revolted, it was said, what is the use of inquiring into the cause of this misfortune? Let us endeavour to retrieve it. But I insist, said Mr. Fox, there was a use in inquiring into the cause of that evil: for if we had done that, we should have had no war with France and Spain. When that war happened, the same silly question was repeated; and I repeat, now, that if ministry had been removed on that occasion, we should not now have a war with Holland. And now it remains to enquire, whether it may not be possible to prevent a war with Russia, Portugal, Sweden, &c.—The noble lord says, "Upon my word I do not know whether we shall have our honour to defend against Russia and Portugal; but this I know, that Great Britain has never given them any provocation, and therefore has no reason to dread their resentment." But, Sir, we know, from the noble lord's authority, that we had never given any provocation to France or Spain, yet they became our enemies. It was an unreasonable thing to expect such an event, yet it happened; and how do we know but a war with Russia and Portugal may also happen to us? I wish the noble lord would give us some gleam of hope, by telling us any reason he may have for thinking this will not be the case. Should all these powers combine against us; should the Russian, Swedish, Danish, and Dutch fleets, be added to the fleet of Bourbon, to which the boasted Spanish armada was, in the noble lord's opinion, but a trifle; will it be that fleet that will protect us, which has been, I do not say skulking for these two years, but retreating up the Channel, that will save us?

Lord G. Germain arraigned the folly of those who supposed we might make peace with America when we pleased. He said, if the war with Holland was not unavoidable, why not impeach ministry for involving the nation in blood, and wasting the public treasure?—He concluded with observing, that although insinuations had been thrown out with respect to the part which Russia was to take in the present hostilities, he for his part asserted, that he had received no information whatever to make him give any credit to this report, neither did he believe it.

Mr. *Burke* lamented the dreadful situa-

tion into which this country had been plunged by the folly and ignorance of ministers. He asked what was the reason we were at present without an ally? This was owing to a spirit of arrogance in our councils. The consequence was, that after Holland, we should have Russia and all the other armed neutral powers against us. In the natural course of things, that which carried an evil aspect turned out often to be beneficial in its consequence. Peradventure, added he, this armed neutrality, hostile in appearance to Great Britain, might in case of extremity interpose and raise up its friendly arm to support her from sinking, and to preserve the proper balance of power: but now that we had rushed on precipitately to attack one of these armed powers, the others, connected together by the same treaty and alliance, would soon follow. Holland might be considered, from her situation and other circumstances, as a kind of general market, in which all the kingdoms of Europe were more or less connected. Her commerce was a kind of commercial neutrality; and so enlarged were her views, as not only to supply other nations at war, but even her own enemies, with warlike articles, to be employed against herself. The cause, therefore, of a nation, considered as so universally useful, would be a common one. He could not give his approbation of a war big with such dreadful consequences, without having more information before him.

Mr. *Dunning* observed shortly, that after what the hon. gentleman (Mr. Burke) had said, nothing remained for him to say; he would only observe, that he did not understand by what law we could call upon the States General to punish an individual, for forming a new project with respect to commerce, and what punishment could be inflicted upon him; he could only think of one precedent, and that was of czar Peter of Muscovy, who, when his ambassador was insulted by some sheriff's officers, sent over to demand reparation for the injury, and it was supposed that a present of some of their heads could be the only satisfaction.

The question being put, whether the Amendment stand part of the Address, the House divided: For the Amendment 101; Against it 180. Lord Mahon moved another amendment, which was to leave out the last paragraph of the King's message, and to insert, "That this House will immediately apply itself to examine, with

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the most serious attention, the causes which have led to this new and unfortunate situation of hostility against the ancient and natural ally of this kingdom; and when satisfied of the necessity of such a measure, will exert their utmost endeavours to support the honour of his Majesty's crown, and the real interests of his people." This was negatived without a division: upon which the main question was put, and agreed to.

The Thanks of the House given to Sir Fletcher Norton.] Feb. 1. Sir Fletcher Norton being come into the House for the first time since the first day of the session, the Speaker immediately addressed him in the following terms:

"Sir Fletcher Norton; This House, on Monday the 20th of November last, came to a resolution to thank you for your conduct in this House. Your knowledge of the constitution makes it unnecessary to inform you how great a mark of distinction is conveyed to an individual, by the approbation of so important and principal a part of the constitution.

"Your affection for the Commons of Great Britain, augmented by those services which you have rendered to them, and which are the subject of their present acknowledgments, will, I am persuaded, excite in you those generous feelings which become a person conscious of having deserved the good will and thanks of his country.

"I will detain you no longer than whilst, in the name of this House, and the words of their resolution, I thank you, sir Fletcher Norton, late Speaker of this House, for your conduct during the time you filled the chair in the two last parliaments."

Sir *Fletcher Norton* returned the House thanks for the honour they had done him, and the Speaker thanks for the manner in which he had complied with the commands of the House.

Debate on Mr. Fox's Motion relative to the Appointment of Sir Hugh Palliser to the Government of Greenwich Hospital.]

Agreeable to a request made by Mr. Fox, the clerk of the House read the copy of the charges exhibited against admiral Keppel by vice-admiral sir Hugh Palliser, and the sentence of the court-martial, with the copy of the charge and sentence of sir Hugh Palliser's court-martial, and the entry of the speech of sir Fletcher Norton,

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as Speaker of the House, when he delivered the thanks of the House to admiral Keppel, and the entry of the admiral's answer; after which

Mr. Fox rose again, and began with saying, that there was no gentleman less accustomed than he was, to apologize for the motions, with which he from time to time thought it his duty to trouble the House, but on the present occasion as the motion, which he should make at the conclusion of his speech, would undoubtedly point to two particular individuals, he thought it incumbent upon him to say, before he entered into an explanation of the grounds on which he rested the propriety and justice of his motion, that he was actuated by no personal motives whatever. He knew not that man on earth against whom he harboured the least personal enmity; and least of all, did he feel any against those two individuals, who would be thought by the House, and who certainly were meant by him, as the immediate objects of his motion. He had no personal enmity whatever, he did assure the hon. gentleman whose name he should be obliged to mention pretty frequently in the course of what he had to say, against him, nor against his Majesty's ministers; public enmity against him and them, he felt and avowed: public enmity occasioned by their public conduct, detestation excited by the miseries and misfortunes which they had entailed on their country. He said, he considered the hon. gentleman, the governor of Greenwich-hospital, as one great cause of those calamities under which this country was now suffering, and therefore he felt against him all that public enmity which such a just sense of his conduct ought to inspire. He considered sir Hugh Palliser as the man, who by giving way to his boisterous and unruly passions, had almost ruined that service on which alone we could depend for protection in the hour of danger, and as the only probable means, if any there were, of extricating us from our present difficulties. It was on these grounds, and these only, that he was the public enemy of the hon. admiral, the public enemy of those who abetted and supported him. Having said that he was actuated by no motives of personal enmity, he also assured the House, he was not influenced on the present occasion by private friendship. Not that he disclaimed private friendship; no, God knew, he considered his intimacy and connection with his

hon. relation (admiral Keppel) as the chief honour and happiness of his life; but his hon. relation's character, his virtue, his glory, were too firmly established to need assistance; if ever there was a man whose character met the description of the poet exactly, *merses profundo pulchrior evenit*, the admiral was that man! Let those who had attempted against his life and his honour bear witness to this truth! See him attacked, charged, criminated, and sent to trial, on an accusation of the most serious nature! What is the consequence? He comes purified from the ordeal, his honour is clearer than before, his glory beams with renovated lustre! See him at Windsor! See the attempts that are made, successfully made, to separate him from constituents who had thought well of him before, and always, till then, been happy in their representative! What is the consequence? The county of Surrey, who saw with indignation the oppression practised, who saw the enormous influence of the crown opposed to virtue, popularity, and reputation, receive him with open arms; they knew his merit, his integrity, and his virtue; they revered his splendid character, and they invited him to become their representative. Thus oppression, as it always will do, produced its opposite effect, and thus his hon. relation, by being driven from Windsor by the influence of the crown, is sent to parliament the representative of one of the first counties in England. Therefore he stood too high in fame, too full of glory, to require additional support, or to make the serving him a motive in the design of the motion he was about to make.

He was not unaware it might be said, how improper it was, when unanimity was so necessary in the navy, to stir a matter which had a little subsided, and the revival of which might renew animosities. To these opinions, he said, he fully assented; *non movere quieta* was a maxim to which he entirely subscribed. Be it upon their heads, therefore, who began to stir the old cause of discontent! Let those answer for the consequences who revived the dispute: He washed his hands of it. It was the ministers that had broached the subject, those who had advised his Majesty to appoint sir Hugh Palliser governor of Greenwich-hospital. They had brought him forward out of that obscurity which he seemed to have thought most becoming him; and they only were to atone to their country for the mischiefs that would ensue.

The advocates of the ministry might say, the government of Greenwich-hospital was no great matter, and that it did not signify much. Those who were inclined to reason in this manner, were not aware of the consequences that would follow, nor the great inconveniences that suffering the present appointment to pass uncensured by that House would occasion. He did not like to make invidious allusions; but they had already an instance of the extreme difficulty of arguing against the bestowing of additional honours upon that man (lord G. Germain) who having been once declared unworthy of serving again, had been suffered to be invested with confidence and honour. How did any man know that the government of Greenwich-hospital was the only situation into which sir H. Palliser would be brought? How did the House know that it was not the intention of ministers to give sir Hugh the command of one of our fleets? And then if the appointment was attempted to be animadverted upon, would not ministers be furnished with this strong answer to all objection? "You did not complain of the appointment of this gentleman to the government of Greenwich-hospital, it was at that time you should have objected, to object now is to persecute." It was for this reason that he thought it necessary at that moment to take the sense of the House on the first post of honour and profit given to sir Hugh Palliser.

He said the principal object of his motion was the appointment of sir Hugh Palliser to the government of Greenwich-hospital, which he considered as an insult on the honour of the navy, because what man who felt as a gentleman, could serve his country with that zeal and spirit, from which alone the navy of England had gained its great reputation, when a post of high honour and profit, which had hitherto always been bestowed on those officers whose fame was unsullied, and who had deserved best of their country, was given to a man convicted of having preferred a malicious and ill-founded accusation against his commanding officer? The appointment of sir Hugh to the government of Greenwich-hospital, under all the circumstances of it, was a measure of so much criminality, and at the same time was so glaringly iniquitous, that he knew not scarcely how to argue it, to give it a stronger impression on the minds of the House, than it must necessarily have of itself. It resembled one of those self-evident propositions,

which bear the name of axioms in mathematics, on which nothing can be said to make them clearer than they are of themselves. The only mode of reasoning, therefore, that he could adopt, was to suppose objections, and then to oppose those objections with arguments. The last time the House debated upon the subject, the vice-admiral had read to the House a long speech prepared for the occasion, the main purport of which had been, as far as he was able to understand such parts of it as he had heard, to arraign the whole conduct of the court-martial that tried admiral Keppel, and in particular to impeach the sentence, and charge the court with violent injustice, in having declared the vice-admiral to have preferred a malicious and ill-founded accusation, the motives of the vice-admiral not having been submitted to their consideration. He had since enquired into the usage of courts-martial, and he found it was their general practice, when they acquitted the person accused, to declare their opinion of the nature of the accusation. He would therefore first suppose a similar objection to be opposed to him now, and that it would be contended, that admiral Keppel's court-martial had passed an extrajudicial censure on sir Hugh, in declaring, that his accusation was malicious and ill-founded. In answer to this, he should assert, that they had an undoubted right to give their opinion upon the motives of the accusation, both from the nature of their jurisdiction, and the general usage of courts-martial. They had the best opportunity of learning those motives, because all the facts being before them, (the accusation specified formally, and all the evidence called in support of it, that the accuser thought proper to adduce;) they were perfectly competent to say, what the motives of the accuser were, and when, like sir Hugh Palliser, he scandalously failed in his proof, and there came, even from his own witnesses, the fullest refutation of his charges, courts-martial were bound in justice to the honour of the officer accused, not only to acquit him, but to pronounce upon the motives of the accuser. This he asserted was no new doctrine; it was justified by long practice. He had brought with him two or three precedents, which would suffice to support what he said; innumerable precedents, it was well known, were to be found. The first case he should mention, was that of capt. Cotton, in 1766; in the sentence of whose court-martial,

the accusation was declared to be groundless and malicious. Again, in the case of capt. Lee, the court had, in severe terms, reprobated the accuser, and his accusation. The third precedent he had brought, was that of a land court-martial, upon a member of that House (general Monckton) whom he did not see then in his place, but of whom he should never speak without that respect which was due to a brave man;—he was tried by a court-martial, which sat at the Horse Guards in 1764, and which had declared in their sentence of acquittal, “that the charges preferred by capt. Campbell, against general Monckton, were false and infamous; that it appeared to them, that the accuser had been actuated by the worst motives, and that they had reason to believe the accuser had imposed upon the commander in chief, by a falsehood, to induce him to order the court-martial.” From these precedents, Mr. Fox with great strength of argument affirmed, that the custom of a court-martial pronouncing upon the accuser's motives was common, and therefore the argument, that it was extrajudicial in sir Hugh's case, was frivolous and absurd. Besides, what was it but arraigning the honour and the justice of the officers who composed admiral Keppel's court-martial, to question any part of their conduct? To prefer one individual before another was common, because one man might excel another; but to prefer one set of men before another was illiberal, because in all large descriptions of men there naturally must be men of integrity and virtue. If, however, any profession was particularly better enabled to judge of points of honour than others, it was surely the military profession; and if he could ever be brought to say, one branch of a profession deserved more credit as men of sincerity than another, he should say, it was the naval branch, and for this plain reason; the military generally residing in great cities, and populous towns, imbibed all the manners of the times, and as a division of the army was always attendant on a court, and made a part of the parade and pageantry of princes, they naturally were accustomed to a more courtly stile of talking than other men, whereas naval officers, living chiefly on the boisterous element, far from courts and princes, were remarkable for a roughness of manners and a blunt integrity of speech, calling every thing they mentioned by a plain word, and describing their thoughts exactly as they were. When, therefore, a court-

martial, composed of naval officers of the first character and of acknowledged honour, called an accusation malicious and ill-founded, which accusation they had fully investigated, he should, were there no other reasons to induce him to think it were so, be strongly inclined to believe that the accusation was malicious and ill-founded; but he did not doubt he should be able to prove, to the satisfaction of the House, that there were other reasons; that the House, during the late parliament, had been of opinion, that the accusation against admiral Keppel had been malicious and ill-founded: and even that sir Hugh himself acquiesced under the sentence, and tacitly admitted his criminality.

Let gentlemen consider the time and the manner in which the accusation was preferred by the vice admiral against his hon. relation. Was it as soon as he came ashore after the 27th of July? No. The House knew it was not. When then? Why at a considerable distant period; and what were the circumstances? The vice admiral goes out a second voyage with admiral Keppel. He says not a word of his having any charge to make, but keeps his accusation in his own breast, and he tells us now, that he did not then make the charge, from motives of regard to his country. What, will he pretend that a feeling for the national welfare suffered him to sail a second time under the command of an officer, guilty in his mind of those five charges which he afterwards preferred against him? Was it a desire to promote the public good that induced him to suffer a man so criminal to keep the command? Ought he not rather, if he had any such feelings, to have made the charge the moment he set his foot on shore, and to have dragged that traitor, that coward, admiral Keppel, to immediate trial, and not have suffered him to enjoy a second opportunity of disgracing the British flag by his ignorance, his negligence, his cowardice, and his treachery? It was not, therefore, from a regard to the good of the service, or the good of his country, that the accusation was so long concealed, or that it was ever made. The fact was, the vice admiral never dreamt of making any charge till he thought recrimination necessary. When he heard that murmurs were stirring, and that his own conduct was questioned, then it was that he thought of charging his commanding officer as a criminal. Let the House remember the

compromise that he offered to admiral Keppel: a compromise which his hon. relation disdained to accept! What was sir Hugh's letter to admiral Keppel but a threatening letter? A letter of extortion? Did not this application sufficiently prove, that the vice admiral was neither actuated by motives of zeal for the good of the service, nor zeal for the good of his country? What was it short of the practice of a man who committed a highway robbery?—an attempt, not to obtain money indeed, but to obtain a certificate of character, through the impulse of fear? Here, surely, therefore was ground sufficient to pronounce, that the motives of the accuser were not honourable; and when it was considered that the charge was preferred on avowed principles of recrimination, every man must see that it originated in malice. But not only the court martial, who pronounced it a malicious and false accusation, thought it so, that House thought it so likewise, for they had voted their thanks, with one dissenting voice only, to admiral Keppel; and what was the language of the Speaker when he gave those thanks? Add to this, what had been the conduct of the vice admiral himself? Had he come down there immediately after the trial was over, and complained of the conduct of the court martial? No. He had acted a very different part. He had resigned his lieutenant-generalship of marines, he had resigned his government of Scarborough castle, he had resigned his seat at the Admiralty-board, and he had taken in exchange for them—what? The valuable office of steward of the Chiltern hundred! What was this but an acquiescence in the justice of the sentence, a tacit acknowledgment of the truth of the opinion pronounced upon the accusation, and a desire to retire from public notice, arising from a consciousness of criminality! Again, when he had made a motion to address his Majesty to take away sir Hugh's flag, a motion which he had afterwards been induced to withdraw from its being suggested, by his worthy friend (general Conway) that it looked like persecution, and that it would be sending the vice admiral down to his trial, under prejudices—what had at that time been the language of the House? What had a learned gentleman (Mr. Wallace) said, who he was glad to see was that day in his place? Had not that gentleman declared, he would move to impeach the minister who should venture to employ sir

Hugh Palliser again? And had not another learned gentleman, now lord chief justice of the Common Pleas (lord Loughborough) pressed that the vice admiral's flag might remain with him till his death, that it might fly over his grave, since it never could again be hoisted at the mast-head of any of his Majesty's ships? It was evident, therefore, that the crown lawyers at that time did not think the declaring the accusation to be a malicious and ill founded accusation, was an extrajudicial opinion. With regard to the right of reply upon his trial, which the vice admiral claimed, he should only say, that the right of reply was not essential justice, that even in criminal courts it was thought so invidious, that it was rarely claimed, and that in land courts martial it was never allowed.

He added, that it was altogether unwarrantable for the vice admiral or for that House to question the conduct of admiral Keppel's court-martial, unless they set on foot a proper and impartial enquiry, and after absolving the members of the court-martial from their oaths of secrecy, and examined them at the bar, as to their sense of the accusation. Had any thing happened, he asked, since the sentence declaring that sir Hugh had preferred a malicious and ill-founded accusation was pronounced, to alter that general and well-founded opinion? The only event that had the least relation to it was the second trial. But had that removed the stigma? By no means. It did not even honourably nor unanimously acquit sir Hugh, but on the contrary, charged him in so many express words with a positive neglect of duty. And here, it would not be amiss to examine a little into the management of that court-martial. At the same time that he said this, he begged leave to be understood as meaning to speak, not to its conduct, but to its constitution. A distinction worth attending to: for whoever spoke to its conduct, arraigned and questioned the proceedings of the court, and consequently arraigned and questioned the justice and the honour of the officers; whereas they who spoke, as he meant to speak, to its constitution, merely examined the proceedings of those persons under whose influence and management the appointment of the court was settled. He was far from impeaching the sentence of that court-martial, though he could not help thinking there was strong ground for suspicion as to the man-

ner in which the court was instituted. Mr. Fox then read over the names of the officers who sat upon sir Hugh Palliser's court-martial, and shewed that capt. Duncan was by accident a member of it, that a nephew of sir Hugh Palliser (who might have had leave of absence) sat upon it, and that three of the other members were officers of the blue squadron, and if there had been guilt found, would have been implicated in that guilt. Upon the whole, there was, as he had observed, great ground for suspicion of manœuvre and trick in the constitution of the court. The vice admiral's conduct also was liable to doubt; for in what manner had he settled his evidence and the witnesses, whose names he had given in? He had not, like admiral Keppel, desired that every officer in the fleet might be called, but had asked for particular persons, and for capt. Keith Stuart and another gentleman, whom he had never examined. These gentlemen, it was true, were examined by the judge advocate on the part of the crown, but they were not called by the vice admiral. Was it not, therefore, warrantable to suppose, that they were merely set down as witnesses to prevent their being judges? Admiral Keppel's conduct was the direct opposite. Fearless of danger, because conscious of innocence, he had acted in the most open, artless, and unreserved manner; nay, he had even himself put a question to each of his witnesses, that none of his counsel, nor any one of his friends, would have ventured to have proposed for him to ask. The question he alluded to was the general question which he put to every witness, not what particular species of neglect and misconduct they observed in him on the 27th of July, but whether or no they saw any instance of negligence or misconduct in his behaviour the whole day? And yet notwithstanding the different conduct of the two admirals, and the different constitution of the courts that tried them, what had been the sentences? By the one, admiral Keppel had been honourably and unanimously acquitted, and his accuser pronounced a false and malicious accuser; by the other, sir Hugh Palliser was said to have behaved in an exemplary and meritorious manner in many instances, which directly implied that his conduct had been the reverse in some instances: he was then condemned as having been guilty of criminal neglect, in omitting to let the admiral know by the Fox frigate, the con-

dition of the Formidable, and after that he was acquitted. So that the sentence of acquittal had neither the word "honourable," nor the word "unanimous" in it, and even while it acquitted, fixed a charge of criminality.

The second sentence, he said, confirmed the first; for who should be the man to prefer a malicious and ill-founded accusation against his commander, but an inferior officer, who had himself been guilty of a neglect of duty? From such a quarter only was it likely that such an accusation should arise. He who is conscious of guilt cannot bear the innocence of others; he tries to reduce other characters to his own level; and the history of mankind teaches us, that the highest, the most virtuous, the most glorious of men, are the most envied, the most hated, and the most liable to calumny, detraction, and malevolence. Hence the accusation against admiral Keppel, and hence the record of the vice admiral's malice! But even if the sentence of the second court-martial had been as warm, as honourable and as unanimous as that which acquitted admiral Keppel, if it had placed the conduct of the vice admiral on the 27th of July in the most exalted point of view, still it would not have done away the declaration that he had preferred a malicious and ill-founded accusation against his commanding officer; and though it might have excited his pity, to be forced to know that true greatness of mind did not always accompany distinguished valour, and that a brave and gallant admiral should have given way to his passions, and have descended to the meanness of preferring a malicious and ill-founded accusation against his commander, it would not have justified ministers in bestowing an office of distinguished rank, an office looked up to by the navy as the hope and prospect of honest ambition, on a man who stood recorded as a false and malicious accuser.

From the appointment of this man to the government of Greenwich-hospital, every thing dangerous to the public interest was to be apprehended. The officers of the navy in general would be disgusted, because they would see that honour and bravery combined were not the merits that were now thought worthy of reward, but that malice and infamy were strong claims with the present ministers. Discipline and subordination would cease, and the spirit of the navy would be broken;

thus would the great and only solid strength of this country be annihilated. Every inferior officer, conscious of his own guilt, would threaten his commander with a court-martial, and seeing that disobedience of orders was countenanced and rewarded, would neglect his duty, from the idea that he was sure of protection. What was it that had driven so many great and distinguished commanders from the service, but that they now found they could not serve with security to their honour. Why was not admiral Barrington employed? Admiral Barrington, confessedly a good officer, and a zealous lover of his country! Admiral Barrington, it was said, was willing to go out second in command, but would not accept of a chief command. Admiral Barrington had as much honest ambition as other officers, and he presumed admiral Barrington was as thirsty of honour; why then did admiral Barrington decline accepting a chief command? To what could it be imputed, but to his seeing that a commander in chief had spies set upon him, that he was not safe, that it lay in the power of his inferior officer to attack his honour, to attack his life, and to bring a malicious and ill-founded accusation against him; and if it succeeded, his ruin was certain, at any rate his accuser would be protected and rewarded. How happened it, that one officer commanded the fleet the beginning of the last campaign, and as soon as he could know what he was about, resigned the command, and another was appointed? These were all matters that it was fair to suppose had their origin in the mischievous system of the present first lord of the Admiralty.

He concluded with saying, that no man ought to be promoted, who had rendered himself unworthy of a rank in a profession so honourable as that of the British navy; and by enumerating the several heads of his speech, in order to remind the House of the grounds on which he rested his intended motion; these were, that it proceeded not from personal enmity; that the court-martial, who tried admiral Keppel, were perfectly competent to declare that sir Hugh had preferred a malicious and ill-founded accusation; that the declaration was warranted by a variety of undeniable facts and circumstances; that sir Hugh had himself acquiesced in the justice of the sentence; that the House had acknowledged its truth; that the sentence of the second court-martial was neither an

honourable nor an unanimous acquittal; and lastly, that the promotion of a person, declared to have preferred a malicious and ill-founded accusation against his commander in chief, was a measure subversive of the discipline, and derogatory to the honour of the British navy. He then called upon the young members for their support, declaring that he made the appeal from a conviction that the highest sense of honour always glowed in youthful bosoms, and that they were most likely to act according to the dictates of their own hearts, without servilely embracing the opinions of other men. He then moved, "That the Appointment of sir Hugh Palliser to the government of Greenwich-hospital, who, by the sentence of a court-martial, is declared to have preferred a malicious and ill-founded accusation against his commander in chief, is a measure subversive of the discipline, and derogatory to the honour, of the British navy."

Lord North declared that he should not attempt to follow the hon. gentleman over the vast field of matter which he had introduced, supporting with a great deal of eloquence, as he always did, and he must give him leave to say, with a great deal of art, the motion which had just been read: a motion which carried upon the face of it, and must convey to all who saw or heard it, an idea that sir Hugh Palliser was declared to have preferred a malicious and ill-founded accusation against his commander-in-chief, by a court-martial before whom he had been tried on a charge of malice and falshood, and who were thence perfectly competent to pass such a sentence upon him. He thought it fair, therefore, even in that early part of his speech, to inform the hon. gentleman, that before he sat down, he should certainly move to amend the question, by introducing words tending to shew, that the court-martial which declared the accusation preferred against admiral Keppel malicious and ill-founded, were not appointed to try the accuser, nor had they heard him in his own defence. If it were necessary to make any motion stating the merits of the argument, certainly the whole truth ought to be told in that motion; whereas, as the motion stood, only one part of the truth was told, and that in such a manner, as to prejudice the vice-admiral in the minds of all who heard it. His lordship begged the House to observe, that the motion before them, was not a

motion tending either to criminate or acquit sir Hugh Palliser, but a leading motion to condemn and convict ministers of having advised his Majesty to bestow the government of Greenwich-hospital on an unworthy object. The House, therefore, were to act in a judicial capacity, and to try him and the rest of the King's servants upon the point stated in the motion; for if blame were due, he was free to admit, that a part of it belonged to him in common with other ministers; he trusted, however, he should be able to make it appear, that the motion was false in fact, that it was unjust, and that no blame was due, for that ministers had done no more than their duty. With regard to the hon. gentleman's argument, upon the competency of the court-martial to pronounce upon the accuser's motives, he did assure the hon. gentleman and the House, that he had not the smallest intention to arraign the court-martial, or to question their conduct; but this he must say, that their opinion that the accusation was malicious and ill-founded, was undoubtedly an extrajudicial opinion. The hon. gentleman, foreseeing that the objection would be made on that ground, had, with a wonderful deal of ingenuity, endeavoured to prove, that the opinion was not extrajudicial; but the mode in which he had argued it, was obviously an attempt to confound and mislead the House, rather than a fair endeavour by candid reasoning to impress conviction on the minds of all who heard him. The hon. gentleman had taken a great deal of pains to maintain that the court-martial ought to have done this, and had a right to have done that: the question was not what the court ought to have done, but what it did. The court-martial certainly had pronounced the accusation malicious and ill founded, although the accuser had never been heard as to his motive. The hon. gentleman had said, that the right of reply was not essential to justice, and rarely claimed by an accuser. The hon. gentleman, from the trouble he had given himself to make himself master of the subject, could not but know, that in naval courts martial, it was no unusual thing to claim it, no unusual thing to exercise it. In the trials of admiral Knowles, and of the captains who accused him, it was claimed and exercised. Abundant and recent instances could also be adduced to prove that the right of reply was not so rarely claimed as the hon. gentleman was pleased to say it was in the courts of cri-

minal law. But the hon. gentleman feeling that his argument was not sufficiently strengthened by the precedents which he produced, (and nobody had ever denied that there were not precedents to be found) had recourse to another method of gaining his point, and had endeavoured to demonstrate the malice of the motives of the accusation, by referring to the antecedent conduct of sir Hugh Palliser, as well as to his conduct after the trial. The word "recrimination" is the great instrument of proof which the hon. gentleman applies, in hopes to fix an impression on the minds of the House, that the accuser was stimulated by malice. Will the hon. gentleman be pleased to recollect that recrimination may be innocent; it may arise from a good motive as well as from a bad one. The man who tells another who first charges him with a crime, "If you do not withdraw your charge, I will charge you with another crime," such a man undoubtedly is a criminal recriminator, and his motive is a base one. But that is not pretended to be the complexion of the present case. The vice admiral finds himself censured, and that by the officers of the commander in chief. Censure from such a quarter is no light matter; every man of honour must feel it to the quick, must be anxious to get it explained; an officer who has not this feeling, can neither be a brave nor a good man. The vice admiral instantly applies to the commander in chief to do him justice, and he fails in his application; feeling as every man of spirit must feel on such an occasion, and anxious to do away the calumny that is in circulation, and tends to point him out as the cause of a circumstance, not very agreeable to the people of Great Britain, viz. the fact, that a fleet of France had escaped from a British squadron of equal force, he appeals to the public, and lays the blame where he thinks it ought to lie. This is the fact; but where the malice lies is not so easily to be discovered. The line of conduct was natural; any man, with the best intentions, might have done the same. Had the vice admiral rested patiently under the slander, slander not so light as common newspaper abuse, but coming from something like authority, his Christian forbearance might have excited praise, but his sense of honour would not have been deemed over-proof. What were the charges? Were they false facts? Certainly they were not; for the hon. admiral who was tried upon them, did not deny,

but justified them. Then it being admitted, that the charges were true in fact, it follows, surely, that the motives might be bad information, ocular deception, or error in judgment. But what accusation had admiral Keppel preferred? He has repeatedly told this House he never preferred, he never would prefer any; where, then, was the recrimination? Either it must be admitted that the commander in chief accused first, or it can never be said that the vice admiral recriminated.

The hon. gentleman had argued, that the House had itself adopted the sentence of the court-martial in all its parts, and that the vice admiral, by his resignation of his offices and employments, had acquiesced under it, and tacitly admitted its justice. These were very extraordinary arguments to use. What! because the House, at a time when a kind of phrenzy and madness prevailed, passed a vote of thanks to admiral Keppel, in which vote, he and others, merely on account of the temper of the times, silently acquiesced, did it follow that they adopted the whole of the sentence of the court-martial? By no means. He thought then, and he thought now, that the declaring the accusation malicious and ill-founded, without having tried the accuser upon any such charge, was an extra-judicial opinion. It certainly was an extra-judicial opinion, and so it must remain. As to the language of the Speaker, it was natural for the gentleman who filled the chair at the time to use the language of the sentence as nearly as he could; but then the hon. gentleman says, "the House ordered the speech and the hon. admiral's reply to be printed;" it was a motion of course, and the same reasons which prevailed for gentlemen not to resist the first motion, prevailed again in that instance. But the hon. gentleman has said, that sir Hugh's resignation of his places and employments was a tacit admission of his criminality. Does the hon. gentleman mean to say, that no man resigns but from a consciousness of criminality? Surely he will not be the first to lay down that doctrine! He knows that resignations proceed from different causes. The cause of a resignation may be good, it may be bad, or it may be indifferent. If the hon. gentleman's position, that resignation proceeds from a consciousness of guilt, were carried to its full length, every man, who, like the hon. gentleman, resigns a good employment, might be said to acquiesce in a charge of his own

guilt, and thereby furnish evidence against himself.

"Quam temere nosmet legem sancimus
"iniquam."

Some men resign their places for the sake of the public quiet; some resign from arithmetical calculations, that it may be wiser to give up a place of small value now, in order to get a better at another time; others again from motives of political sagacity. They discover a storm approaching, and "snuff it gathering in the sky;" they see an administration, as they think, tottering, and they leave them in the hopes of coming into high office, by joining an opposite party. All these, the hon. gentleman well knows, are motives of resignation; why, then, must it follow that the vice admiral was compelled, either by a bad or an indifferent motive, to resign? For his part, he believed the vice admiral resigned from a very good motive; in order to restore the public peace; in order that the storm, the phrenzy, the madness of the times, might subside. Had the hon. gentleman forgot the temper of the times, when the trial of admiral Keppel was over? Had it totally slipped his memory, that the town was in a tumult for three nights together, illuminated by command of a mob, and nothing but disorder to be seen in every quarter? Had the hon. gentleman forgot that he and his friends were obliged to go out early in a cold raw February morning, to endeavour to quell the tumult, and disperse the mob? These circumstances considered, it surely was a laudable part in the vice admiral, to retire, till men came to their senses again, and till reason took place of phrenzy and popular madness. Possibly the hon. gentleman thought those happy times, and that none but those who were conscious of criminality, would shrink from them.

The hon. gentleman had framed his motion, solely by the sentence of one court-martial, and had not taken the least notice in it of the sentence of the other. In the course of his speech, indeed, he had nibbled at the constitution of the second court-martial, and had endeavoured to shew, that it was settled by manœuvre and trick; all the hon. gentleman had said on that head, like what he had thrown out on many other points, was merely with a view to confound and mislead the judgment of the House, because undoubtedly the constitution of the court-martial, which tried sir Hugh, was not then the subject under consideration, nor had it

any relation to the motion then before the House. Whenever the hon. gentleman was disposed to go into the consideration of that question, he would meet him fairly upon it, and go through it fully; in the mean time he should only observe that the hon. gentleman had expressly said, he had not the least fault to find with the conduct of the court-martial, and although he had declared that capt. Duncan became a member of that court-martial merely by accident, he had not attempted to prove that capt. Walters, (sir Hugh's nephew) was not a member of it also, by an accident. The fact was, a member was taken ill, and therefore capt. Walters was called upon it; putting the one against the other, therefore, that part of the argument was settled. With regard to the sentence of the second court-martial, the hon. gentleman has endeavoured to prove, because the express words, "honourable and unanimous," are not in it, the acquittal was neither honourable nor unanimous. This is rather straining the argument, for it is impossible to know how far the acquittal was unanimous, but certainly it was honourable, because it expressly stated, that the vice admiral's conduct was in many instances highly exemplary and meritorious. Surely a sentence recording a matter so strongly, which is in itself a matter of great honour, is an honourable acquittal, and indeed every acquittal from a charge which implies guilt, is honourable; but most especially when in opposition to the charge, it states that the conduct of the party tried was highly exemplary and meritorious in many instances. His lordship said, what further rendered it an honourable acquittal was, that the vice admiral went down to his trial when a loud and almost universal clamour prevailed against him; when every means were taken both within doors and without to prejudice him; when gentlemen in that House did all they could to prevent his being tried, and even urged the not sending him to trial on the popular score of humanity. But what had been the vice admiral's conduct? He insisted on a trial; he knew that ruin or honour must be the issue, he stood the danger, and his character is re-established! A speech had been read from the votes, wherein it was said "the generous mind could not reap higher satisfaction than when to the hour of arduous trial the hour of honourable acquittal succeeds." This sentiment should surely be adopted, and universally felt, when a brave man had

been acquitted, who had been oppressed and persecuted, but had nobly resisted, and having staked all for his character, had come off victorious. He repeated it, that the present question was not whether admiral Keppel or sir Hugh Palliser was most honourably acquitted, but whether ministers ought or ought not to have recommended sir Hugh to his Majesty as a fit object of reward, and he contended that ministers would have been highly criminal, considering a long life of services, considering his acknowledged skill and bravery as an officer, and considering his honourable acquittal, for such he contended his acquittal was, had they not done it. He took notice that Mr. Fox had attempted to throw out insinuations that administration persecuted admiral Keppel at Windsor; the hon. gentleman well knew, that the fact was not so; he had cast the imputation merely to inflame the passions of his hearers, but even if it could be seriously maintained, was it not equally true that opposition used every means in their power to persecute the friends of government, to prevent their elections, and to harass them, where they could not prevent them? His lordship having paid a compliment to the military and naval members, saying he had not the least fear but that they would, as the hon. gentleman had called upon them to do, pay attention to the debate, and do an act of justice by rescuing an injured and gallant officer from the violent rage of unprecedented persecution, concluded with recapitulating the chief points of his arguments, declaring, that the part of the sentence of admiral Keppel's court-martial, which pronounced the accusation malicious and ill-founded, was an extrajudicial opinion; that vice admiral Palliser had never been tried on any such charge; that he had been most honourably acquitted by the court-martial which afterwards tried him, and that he had served his King and country with undoubted bravery and honour for five and forty years. His lordship then, with the Solicitor General's assistance, made several amendments to the motion, which made it run thus: "That the appointment of sir Hugh Palliser to the government of Greenwich-hospital, who by the officers who sat on the court-martial held for the trial of admiral Keppel, and before whom sir Hugh Palliser was not charged with any malice in the accusation of the said admiral, or heard in his defence, is declared to have preferred

an ill-founded accusation against his commander in chief, and whose conduct on the 27th of July, 1778, by a subsequent court-martial, was, after a full examination, declared to be in many respects highly exemplary and meritorious; and who has, during the course of forty-five years, served the crown both in his civil and military capacity, with great ability, bravery, and fidelity; was a measure totally subversive of the discipline, and derogatory to the honour of the navy." His lordship declared, he would consent to omit the amendment wholly, if Mr. Fox would agree to take out those words from the motion, "who by the sentence of a court-martial is declared to have preferred a malicious and ill-founded accusation against his commander in chief," and would let the motion go to a division in general terms, thus: "That the appointment of sir Hugh Palliser to the government of Greenwich-hospital, is a measure subversive of the discipline, and derogatory to the honour of the British navy." Mr. Fox said he would not agree.

Lord *Howe* said, before he spoke to a question affecting ministers, who, from his observation of their conduct, appeared to have neither plan, foresight, nor consistency, he should beg leave to trouble the House with a few words respecting himself. Administration had lately done him the honour to convince him, that they did not consider him as yet written down. A person, who had assumed the character of Cicero, in a series of letters, which had made their appearance during the recess, had thought proper to charge him with being an enemy to his country, and with having been engaged in treasonable intrigues with Dr. Franklin; but this subtle spirit, which avowed a perfect knowledge of the whole transaction, had been pleased to add, "that its compassion from the nature of its existence would ever prevail on it to prefer mercy to justice, and that it was led to this by some late marks of penitence shewn by this deluded and unfortunate nobleman (meaning him), therefore the subtle spirit would forbear to mention the intrigues concerted under the disguise of a game at chess." Now, though Cicero had forborne to state the nature of his treason, somebody else might, and therefore his lordship said, he thought it wisest to tell it himself. Whoever the writer was, he was perfectly right as to the fact, but wrong as to the period of time when he chose to fix it. The matter did

occur, and the game of chess was played, when he had a conversation relative to America with Dr. Franklin, but it was not at the time that Cicero had said it was. At that period he had accepted of his Majesty's commission, empowering him to act for his country in the best manner his judgment should direct, in order to settle the differences with America; whereas the fact occurred a year before; if it was treason, however, it was right the public should know all the traitors, and therefore having stated his own guilt, he thought it incumbent on him to say who participated in it; his fellow traitor was no other than the noble lord in the blue ribbon, who was acquainted with the whole transaction at that time, by Dr. Franklin's consent. The House, therefore, from what he had said, would see, that let Cicero be paid what he might for his pains, he had at least the merit of being active for the money he received.

When the hon. gentleman, he said, who had made the motion, opened the nature of it, he felt himself exceedingly embarrassed, on account of its appearing to him a personal motion, and thought he should not, for that reason, have been able to speak his sentiments upon it, but the noble lord in the blue ribbon had removed the difficulty, and relieved him from his doubts by saying in express terms, that it was not a motion relative to sir Hugh Palliser, but a motion solely affecting ministers. The argument advanced by the noble lord, that the court-martial which had tried admiral Keppel, in taking upon them to declare that the accusation was malicious and ill-founded, had pronounced an extrajudicial opinion, opened to his mind a doctrine of very great importance. For the benefit of the service, therefore, it was highly necessary that the point should be determined immediately, whether courts-martial had a right in passing sentence upon a person tried, to give their opinion of the accusation, and the motives of the accuser? The question concerned every officer in the service, and therefore the sooner it was settled the better. The practice had obtained, and there seemed to him to be a reasonable ground for it. An officer might be accused with charges of a scandalous nature. Charges equally affecting his honour and his life; if courts-martial have not a right to declare what the motives of the accuser appear to them to be, where is an officer, who is acquitted, to seek for redress? The false accuser remains un-

stigmatized and unpunished. He did not mean to decide upon the matter, but the House he trusted would agree that it was a point material to be settled forthwith. Another consideration struck him, upon a view of the whole case, and that was, how far an inferior officer ought to be countenanced in preferring an accusation against his commander in chief? Surely, every man must see that the command of a large fleet was a very important trust, and a matter that was to be governed, not by ordinary rules of service, but by the experience and judgment of the officer who held it. If commanders, therefore, were to be charged criminally, because they did not act up to this or that subordinate officer's opinion, no man who had a regard for his character would accept of such a trust. He must take the liberty of saying, that there scarcely ever was an officer who had held such a command, that had not been guilty of mistakes; nay, he would add farther, that a commander in chief was the better officer for his errors, provided those errors were not of a fatal nature. Trifling errors in judgment, therefore, ought not to be charged as crimes on the suggestion of inferior officers; if such a practice were allowed and countenanced, who would take the command? And if that doctrine was to prevail, what would be the consequence? Every commander in chief, instead of having his mind intent on the great objects of his trust, the conduct of his fleet, the preparation for action, and the proper directions arising from incidental events, must spend a great part of his time in soothing the officers under him, in making them his creatures, and in enticing them to do what he thought their duty. The House must see, that if this were the case, there would be an end of all discipline, and the authority of the commander in chief would be lost entirely.

The noble lord in the blue ribbon had taken great pains to prove that the sentence of the second court-martial, which tried sir Hugh Palliser, was an honourable acquittal. He had himself read that trial through very attentively, but he could not comprehend the sentence. It stated first, that the vice admiral's conduct, in many instances, had been highly meritorious and exemplary; it then charged him with an omission of duty, and next acquitted him. What puzzled him was, how to find out of what the vice admiral was acquitted? In the charges, as they were called, upon which he had been tried, there appeared,

to him at least, to be no accusation. The vice admiral, therefore, strictly speaking, could neither be convicted nor acquitted.

He would seize that opportunity of saying a word upon a topic that had been discussed in that House before the holidays. In the course of a debate, it had been declared, that certain officers would be mad if they served under the present administration; and it had been retorted, that the present ministers would be fit for Bedlam if they employed those officers who entertained such an opinion. He would not adopt the same idea, but if he might be allowed so coarse a phrase, he should think the king's servants would be fools, if they gave command to any but officers in whom they could place an entire confidence. Confidence was equally necessary on both sides. Officers could never act with safety to their honours, and with zeal for their country, without it; and on the other hand, ministers ought not to have their attention to important objects at home diverted by being obliged to watch the conduct of their officers, and regard their proceedings with a narrow-minded jealousy and suspicion.

Mr. *William Miller* said, the part of the kingdom he came from, (Scotland) regarded sir Hugh Palliser in a very different light from that in which the hon. gentleman had chosen to describe him. The most considerate and candid of his constituents considered the vice admiral as a gallant officer, persecuted in a cruel manner, and sacrificed to party connections, by those who, on all occasions, stood forward the determined foes of government. He could not discover that the present question was of such vast importance as the mover of it had declared it to be. The appointment was nothing more than an ordinary instance of the exercise of the royal prerogative. How, then, was the constitution likely to be affected, if the appointment was not made the subject of parliamentary censure? The hon. mover had endeavoured to prove, that the government of Greenwich-hospital was intimately connected with the existence of Great Britain, and that the country would be ruined, if the late appointment of sir Hugh to that office were not solemnly reprobated by the House. If this argument were true, he could only say, that the country was not worth preserving. Another argument had been, that the appointment would operate as an encouragement to false and malicious accusers,

This argument he could not comprehend, nor see which way it was to be supported. Was the annual income of the government of Greenwich-hospital in any degree equal to the income that sir Hugh had given up? Certainly not; the morality of the navy, therefore, was in no danger from lucrative views; sir Hugh had gained nothing by having accused admiral Keppel; he had lost considerably. Again the hon. gentleman had asserted, that the appointment of sir Hugh would create ill-blood and dissension in the navy. The appointment had taken place for some months, and the hon. gentleman had not stated a single instance of its having had that effect. Possibly, when the next day's newspapers had been read, and the hint was published in every print, it might be adopted, and the effect might begin to appear. Who would be to blame in that case? The hon. gentleman had taken up some time to prove, that the sentence of the court-martial which tried sir Hugh was neither an unanimous nor an honourable acquittal; and he had rested a chief part of his argument upon the fact, that neither of those words were used in the whole sentence. With regard to the first word of the two, from what sources of information did the hon. gentleman deduce his position? Its not appearing on the face of the record was not conclusive upon the point; but admitting, for the sake of argument, that the acquittal was not unanimous, surely it would be no difficult matter to prove, that an acquittal by a majority of a court, after a long, rigid, and scrupulous trial, was much more honourable than a rash and good-natured unanimity. What did an acquittal, that had not been unanimous, imply, but that a case had been sifted and examined again and again, and after considering it in every possible point of view that the majority were convinced the person tried was innocent? Unanimity might have been the hasty resolve of a moment, which on due consideration the majority might repent. With regard to the word honourable, he concluded that whenever it was adopted in a sentence of acquittal, it was a redundancy, and rather suggested a doubt of the justice than confirmed the honour of the acquittal. Whence did real honour arise to a party tried? Certainly from the court having occasion to pronounce him innocent of the alleged crime. The honour arose from the matter of fact, and where that did not convey it, verbal ex-

pressions could not supply it. Again, the hon. gentleman had said the sentence of admiral Keppel's court-martial had declared sir Hugh Palliser a false and malicious accuser; he denied that this assertion was grounded. The sentence only asserted, that the accusation was malicious and ill-founded. He concluded with declaring the motion to be novel in its nature, and calling upon the hon. mover to shew a precedent for it.

Commodore *Johnstone* said, he never would admit the doctrine first thrown out by the hon. gentleman who made the motion, and adopted by the noble admiral (lord Howe) that it was wrong for an inferior officer to prefer an accusation against his commander in chief, and that the practice ought to be reprobated. If that doctrine obtained, the service would be ruined, the honour of every officer in a fleet would lie at the commander in chief's mercy, and there would be an end of all discipline. Who, but the officers of a fleet, could point out the misconduct of a commander in chief? What is it that preserved the honour of the service in general, but the circumstance of every man's being equally amenable to a court-martial, to which he might be subjected, at the instance of any one officer, let his rank be ever so inferior, provided the charge alleged was sufficiently important to make a court-martial necessary? And where was the danger arising from this practice? Courts-martial, it would be allowed, on all hands, were composed of men of the strictest honour, and of men the most competent to decide on the matters submitted to their investigation. Commanders, who acted uprightly and conscientiously, could, therefore, have no dread of facing such a tribunal. With regard to the accuser, if his charges were made out, he certainly acted meritoriously in having alleged them; if, on the contrary, he failed in his proof, the blame and the consequences must be suffered by him. He would not, however, by any means, subscribe to the idea, that a court-martial, appointed to try one man, was warranted in censuring another, who had not been heard in his defence; to allow of this, would be to give up the dearest right of a British subject, the right of not being condemned without a fair trial. At the same time, he was aware that it was sometimes done. He had himself sat on courts-martial, where it had been attempted, but it had always been denied as un-

just and unwarrantable. He was far, however, from meaning to approve of the vice-admiral's whole conduct. He thought his military conduct in the highest degree praise-worthy; but his political conduct was the direct opposite. It was rash, resentful, and blameable. Admiral Keppel, he was as ready to admit as any man, was a brave, a gallant, and a worthy officer. No man was more beloved or respected in his profession, and no man more deservedly. But he could not agree, that the 27th of July was a day that gave any glory to this country, just the contrary. It was the most unfortunate day this country ever saw. What! teach France, what she had been long accustomed to suppose impossible? Convince her that a French fleet, on a summer's day, could engage a British fleet, superior in every respect, and get safe back to port! Good God, it was scarcely credible, and yet it was but too true! There was great blame due somewhere, for such a disgraceful event; an event the more to be lamented, because Great Britain would probably never have such another glorious opportunity of shaking the marine of France. Where was this blame due? It was a question that must result to every gentleman's mind. Some gentlemen accounted for it one way, and some another. Opinions were divided. Admiral Keppel undoubtedly was a brave man, and a good officer, but that generosity of mind which rendered him so amiable, might lead him into error. He would say what he thought. Admiral Keppel had acted rather weakly, than wisely, in writing that letter to the Admiralty, which had been published in the Gazette, if the contents were not really the import of the admiral's opinion. If the vice-admiral of the blue had been to blame, he ought to have been stigmatized, not praised. If once commanders overlooked disobedience of orders, and neglect of duty, there was an end of discipline. For his part, if his father, or his brother, or his son, his nearest relation, or his dearest friend, did not do his duty, he would punish him agreeably to the laws of the service. The service could not exist without discipline, and if sir Hugh had behaved as ill as the hon. admiral near him had at different times declared he had, he ought to have been brought to an immediate court-martial, as soon as he landed, after the affairs of the 27th of July. The hon. gentleman who made the motion, had laid great stress upon sir Hugh's not having prefer-

red his accusation against the commander in chief when he first came on shore; surely the argument pressed as strongly against the commander in chief the other way; and the only way to account for it was, that admiral Keppel's good-nature, as a man, got the better of his duty as an officer.

The commodore declared, he was far from meaning to defend the political conduct of sir Hugh Palliser; he thought it extremely reprehensible. Had he been in his situation, and found the disgrace of the 27th of July attributed to him, and felt that the imputation was unmerited, the last thing he should have thought of would have been demanding a court-martial upon admiral Keppel. No. He would have immediately demanded a court-martial on himself. That would have been the fairest way of meeting the odium arising from the calumnies in circulation. Neither would he, had he adopted the line of conduct sir Hugh had adopted, and preferred an accusation against admiral Keppel, have resigned his employments previous to his own trial. He would have kept them every one. Not that he thought it was, by any means, a fair argument for the hon. mover to use as a proof that sir Hugh admitted that the declaration of admiral Keppel's court martial, that his charges against that admiral were malicious and ill-founded, was true. He was very far from being of this opinion. But taking all the obviously censurable parts of sir Hugh's political conduct into full view, would any man say, that an officer of such acknowledged bravery, ought to be rendered incapable of serving his country for ever, for what had happened? The trials were published; let gentlemen read them, and judge for themselves upon the whole of the evidence, and not form their opinions merely from the two sentences. Would any man tell him, that when he found by the concurring testimony of the witnesses in general, the vice admiral's conduct in the action was so spirited, so gallant, so glorious, as it was allowed to be, he ought to be given up and blasted for ever, for having been guilty of an error to which all men were liable! When he looked into those trials, and saw how nobly the vice admiral rushed into action and received the whole fire of the French fleet; when he viewed him ranging along the enemy's line, and bravely backing his topsails that he might continue to fight the

longer, and when he saw, that after he had passed the last ship of the enemy, he wore his own ship to renew the action, and torn, shattered, and disabled as he was, like a British bull-dog, turned to have another bout with them! When he looked at this, he admired the bravery of the vice admiral, he honoured his zeal, and he thought him entitled to every possible praise! But it was said, that the day was lost in consequence of the vice admiral's not letting the commander in chief know the disabled state of the *Formidable*, and the court-martial which tried him, had declared in their sentence, that it was an omission. A great deal might be said on that point; perhaps the vice admiral might think the crippled state of his ship sufficiently obvious not to require his sending a message by the *Fox* frigate. If this were not the case, in all probability something would have been heard of it before the trial, because, when a commander of a ship did not join his commander in chief, as ordered, by signal, it was a matter immediately complained of; all the officers took notice of it, and there was scarcely a ship in which it was not said, publicly, "Good God! What's that fellow about? Why does not he come up?" As nothing like this had been heard of, he took it for granted, that the disabled state of the *Formidable* was so conspicuous, that it was unnecessary to specify it by particular message. Every man in the service knew the great difficulty of restoring discipline, and getting things to rights in a ship, immediately after she was come out of action. Sometimes it was done sooner than at others, but certainly the longer a ship had fought, and the longer she had continued in action, the greater length of time it always took to get the ship to rights again. As this matter was extremely delicate, he had asked many officers, who had been present in the engagement, what the impression of their minds was at the moment, and whether at that time it struck them, that the renewal of the engagement was any way impeded by the conduct of the vice admiral of the blue? Three of the officers had said, that they thought it was; but others, ten to one, had declared themselves to be of a contrary opinion; and all whom he had talked with, the most violent against sir Hugh on account of his political conduct, as well as those who thought his accusing admiral Keppel was not so blameable in the extreme as others pronounced it,

agreed to a man, that no officer could shew more personal bravery, nor fight a ship better than the vice admiral fought the *Formidable* in the course of his passing the French line.

Many, indeed, had joined the popular cry since, and had blamed sir Hugh's conduct on the 27th of July, but they had the candour to acknowledge, that it was not their original opinion, not an opinion formed on the instant, but an opinion arising from conversation with other officers, some time after the affair happened. Even the hon. admiral himself, perhaps, thought differently of the action now from what he did at the moment of it; from a perusal of the trial, the commodore said he was convinced in his own mind, that the signal for the *Formidable* to come into the admiral's wake, was not flying so long as the hon. admiral imagined it to have been, but that it was hauled down a part of the time. Again he was convinced, that even if the hon. admiral himself had the day to go through again, he would have conducted the action differently, have forced the enemy to renew the engagement, and not have suffered them to get safe into port, under a notion that the commander of a French fleet was impelled by as generous feelings as himself, and that he would fight him fairly in the morning.

But upon the whole of the case, notwithstanding the pains taken by the hon. mover (and whose abilities and eloquence were undoubtedly superior to those of any man in that House, and therefore his arguments were the more necessary to be examined and sifted) it was evident, that blame was in some degree ascribable both to the admiral and the vice admiral. The latter's political conduct, he had already said, he condemned, and undoubtedly it was indefensible; but surely some of the arguments used by the hon. mover applied as forcibly the other way, as they did to the point to strengthen which they were introduced. If sir Hugh was to be blamed for not having made his accusation earlier, surely admiral Keppel was to blame for having not only wrote his public letter at sea, in praise of the vice admiral, but for having afterwards, when he landed at Plymouth, written a second letter to the Admiralty, praising his officers' conduct in terms of great warmth, and specifically including sir Hugh in that praise. He, like sir Hugh, should have felt himself much hurt and injured, at

finding himself attacked and censured by admiral Keppel's officers; but he repeated it, he should not have dreamt of demanding a court-martial on Admiral Keppel; on the contrary, he would have instantly insisted on a court-martial on himself. The hon. gentleman had made it a great part of his argument to prove, that to arraign the conduct of a court-martial, was in the highest degree unjustifiable, and had reprobated the idea of even mentioning any thing that seemed to question either the integrity or the honour of naval officers, sitting as judges, and yet the hon. gentleman had gone into an examination of the second court-martial. Indeed, he had with great ingenuity, endeavoured to convince the House, that it was the constitution of the second court-martial that he complained of, and not its conduct. But what signified what the constitution of the court was, if its conduct was admitted by the hon. gentleman to be unimpeachable? It was the conduct of that court-martial, and not the constitution of it, that affected the subject then under consideration. Not that he meant by any means to admit that the constitution of the court was at all liable to suspicion or censure; on the contrary, he had no doubt but he could prove to the satisfaction of all who heard him, that the members of it were men of as strict honour, as high virtue, and as immoveable integrity, as ever sat on any court-martial. The hon. gentleman had reprobated the idea of questioning their conduct, and yet he had expressly stated, that four of the members were captains of the blue squadron, and that three of them were implicated in the guilt of the vice admiral. Good God! would the hon. gentleman attempt to argue that this was not questioning the honour of the officers, and arraigning their conduct as judges in the most cruel and most injurious manner?

The hon. gentleman had rested much of what he had said on the proceedings of that House, immediately after the trial of admiral Keppel, and had spoken of the thanks that had been voted to the gallant admiral, and the popular joy on his acquittal. Did not every man know, that what the noble lord in the blue ribbon had observed, relative to the temper of the times at that period, was strictly just? The people were mad, phrenzy prevailed, and those who did not join in the irrational acts of the multitude, were obliged to be silent spectators. The popular fury bore down all

before it; even that House caught the infection. He wondered not, therefore, at the language from the chair to the hon. admiral, nor at the House having agreed either to thank the hon. admiral, or to enter it upon their votes as a record of parliament, that they had thanked him for having preserved the honour of the British flag some months after it had been lost; as little was he at a loss to know to what he was to impute the imprudent speeches of some of the gentlemen who constituted that parliament. He would not admit, however, that lord Loughborough had pressed the House to suffer sir Hugh's flag to remain with him, merely that it might fly over his grave, because it could never be hoisted at the mast-head of any of his Majesty's ships. He did not recollect, that the learned lord, then his Majesty's attorney general, used any such argument; he remembered, that he begged sir Hugh's flag might not be taken away, but that it might remain with him till he died; he was pretty certain, however, that the learned lord gave no such reason as the hon. gentleman had thought proper to put into his mouth. But to return to a description of the temper of the public, upon admiral Keppel's acquittal. Universal riot and disorder not only prevailed with unbridled licence without doors, but was shamelessly avowed, abetted, and defended, in both Houses of Parliament. Let the most zealous friend of admiral Keppel (and no man esteemed and admired him more than he did) look back with a sober retrospect to those times, and ask himself, whether the pretended was the real cause of the popular phrenzy? What had officers who were at sea at the time, and who knew the whole business of the day, said, when they heard of the public transactions, and the reasons assigned for them? What! London illuminated for three nights together! on account of the glory gained on the 27th of July! Oh, God! Oh, God! [covering his face with his hands.] Nobody could credit it; every man of sense knew better; they knew that the popular rapture had something of a more reasonable foundation. It was not to the glory gained on the 27th of July that they imputed the illumination of London, neither was it for the admiral's having convoyed home mercantile fleets that were in port before he sailed, they ascribed the general joy upon the acquittal of admiral Keppel; but the public satisfaction universally felt on finding that a

brave officer, a skilful commander, and a goodnatured, honest man, had come off with honour, after an arduous trial.

He then returned to a consideration of the late promotion of sir Hugh, and said, if the appointment of that officer was meant as an irritation to admiral Keppel and his friends, he should condemn it; upon any other ground, he would applaud it, and he hoped it was meant to be followed with actual employment. Let gentlemen ask themselves conscientiously if the services of forty years were to be totally done away for one fault? Ought the gallant vice admiral to be rendered for ever incapable of serving his country in his military capacity, for having in one instance acted politically wrong? Let the House remember that the vice admiral was the darling officer of that brave and popular commander, sir Charles Saunders, at the siege of Quebec; let them look at his actions during the course of the last war; let them not forget what praise was due to him, and what just expectations might be formed of the good effects of his future services, from his behaviour in a single memorable instance a few years since! In that case, what had been the vice admiral's conduct? He came up with two British ships in sight of a French 74. He asked what they slackened sail for? He was answered, they were about to hold a council of war, in order to determine whether the French ship should be attacked. He instantly replied, "Do you debate the matter? I'll fight the ship;" and he followed this reply with immediately giving chase, and attacking the enemy; the result was, he brought the ship back a prize before the council was over.

Was an action like this to be passed over in silence, and totally blotted from the memory, because, at a subsequent period, the same man acted erroneously on shore? Politics and party, he said, were the bane of all service. The brave Walton, who had signalized himself so much by the memorable dispatch which told government, that he had taken, burnt, sunk and destroyed as per margin, had, at one period of his life, suffered himself to be drawn into a confederacy, entered into against admiral Bembow by the captains of his fleet, in order to ruin him, by not fighting; but no sooner did he see his brave commander in chief in danger from the enemy, than his friendship glowed with his former warmth, he could not resist its propensity, but broke through his engagements

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with the confederated captains, and instantly bore down to his commander's assistance, confessing to him afterwards the whole of the plot. Captain Walton was tried for the part he had taken in the confederacy, but the only error he was accusable with, was his agreeing to it, and he was pardoned in consideration of his former good conduct. The consequence was, he rendered his country as essential services afterwards, as ever were performed! Let the example of generosity be adopted with regard to sir Hugh Palliser, and let not a gallant officer be blasted for ever for one mistake! As to the vice-admiral, he did assure the hon. admiral, he respected his character greatly, and he wished most heartily to see him at the head of a fleet again. All the ability and all the zeal of the service were requisite to extricate the nation out of its present difficulties. The admiral no doubt had his reasons for declining to serve, and he had no right to enquire what they were. In answer, however, to the arguments which had been urged by the hon. mover, in order to prove that the appointment of sir Hugh was owing to the partiality of the present lords of the Admiralty, he was ready to assert, that the Admiralty promotions of late had been distributed with the most scrupulous impartiality. Nay he would go farther. Admiralty preferments had scarcely ever been bestowed with so much fairness, as since the earl of Sandwich had been at the head of the Admiralty. But he knew that party would never allow this; the fact nevertheless was what he had stated. He again lamented, that party spirit had infused itself into the minds of officers. It carried them out of that line of conduct which the judgment and honour of brave men should ever preserve; and here, he said, he could not help lamenting at the sight of so respectable a name as that of admiral Keppel subscribed to a string of resolutions from a Surrey committee. It did not, in his opinion, become the hon. admiral to set his name to a declaration, that the American war was unjust. What would officers gone and going abroad, under instructions to do their duty upon the American service, think, when they learnt that admiral Keppel, the brave and worthy admiral Keppel, the idol of the navy, the god of its idolatry, had joined in declaring, that all the officers who had served on the American war were no better than pirates, and that the war was a war of injustice and oppression? He could

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not also but observe, that in a late debate on the Dutch war, a great deal of improper matter had been dropped in that House. Not only the war with France, Spain, and Holland had been reprobated, and the cause of the enemy pleaded with all the zeal of advocates employed against Great Britain, but opinions of a dangerous tendency had been roundly asserted and obstinately maintained. Did any gentleman consider what fatal use might be made of the fact, when it got abroad, that it had been contended in the British parliament, that neutral bottoms made neutral goods, and that neutral powers might supply France and Spain with all sorts of warlike stores?

Mr. *T. Townshend* spoke to order. No man heard the hon. gentleman with more pleasure than he did, but he must remind him that the Dutch war was not now the subject of debate. If the hon. commodore wished to debate it, he had no manner of objection to going into it immediately, but then it would be right to dispose of the present question first.

Mr. *Rigby* said, the hon. gentleman's calling the commodore to order, was disorderly. The question was a great naval question. The hon. commodore was speaking to a naval topic, and might make what he said apply as closely to the question in debate as any thing that had fallen from any gentleman who had spoken.

Several members calling out, go on! go on! the Speaker called to the commodore, who wished rather to decline saying any thing farther at present.

Admiral *Keppel* said, he had resolved never to take up the time of the House again with talking upon so insignificant a subject as himself. Some things which had fallen from the hon. officer who spoke last, had however rendered it indispensibly necessary for him to say a few words. With regard to the argument used by the hon. officer, and by the noble lord, whom he should call the advocate of the governor of Greenwich-hospital, that a court-martial had no right to pronounce upon the motives of the accuser, he considered it as striking at a usage which he had ever looked upon as the rule and bulwark of the service, and without which, all rank, command, confidence, and security, would be annihilated. So fully convinced was he of this, that if ever the practice was reversed, he declared he would sooner give up his commission than sit on a court-martial. The hon. gentleman who spoke

last had been very strong in his expressions respecting the 27th of July. God knew he liked as little to hear of that day as the hon. gentleman; but as he felt the satisfaction of having done his duty, as he had the additional comfort of having an unanimous acquittal of a court-martial after a trial, and as he had received the thanks of that House for his conduct, which he should ever consider as the highest honour of his life, he was most perfectly indifferent as to any oblique reflections or any direct imputations that might be thrown upon him, either in that House, or by those writers who were paid by ministers for attacking him in pamphlets and newspapers. At first he owned he felt the force of anonymous calumny, but its source being known, he had grown perfectly callous, and was no longer vulnerable that way. The hon. officer had said a great deal about the conduct of the vice admiral in the course of the action on the 27th, and had said he fought like a lion. He had never impeached his bravery; on the contrary, he had allowed the vice admiral behaved gallantly as he passed the French line. What he had to complain of, was the vice admiral's neglect of signals after the engagement: for if the lion gets into his den, and won't come out of it, there's an end of the lion. At the same time he said, though he did not mean to throw it out by way of censure, the vice admiral would have done him more service, have been able to have joined him in a better condition, and have put it in his power to have renewed the engagement sooner, if he had passed the French line a little faster. The hon. gentleman had censured him for writing the letter, which he did write from sea. The House knew his sentiments already upon that part of his conduct; no man could condemn it more than he did. But the hon. gentleman had complained farther of his having wrote a second letter from Plymouth, in which he joined the vice admiral with other officers whose conduct he had thought worthy. Was there any thing extraordinary in this? Having, before he sent his first letter from sea, made up his mind upon the subject of the vice admiral's behaviour, and suffered himself to impute what at the time appeared to be, and what had been since proved to be, criminal neglect, to accident (not imagining that an officer who had fought so bravely could wilfully disobey orders) what sort of a man must he have appeared, if, when he set foot on shore, he

sent up a letter to the Admiralty the very reverse of his letter from sea? Not dreaming that his friendship for a man, with whom he lived in terms of the greatest intimacy, would be so ill repaid, as he had since experienced. The decision, whether he should overlook the vice admiral's neglect of duty, cost him but little time; and having once decided, he never harboured a hostile sentiment against him, much less could he have brought himself to have acted in such a double manner, as to have praised the vice admiral in his first and censured him in his second letter to the Admiralty. The hon. officer, however, was mistaken in supposing that he took no step to prevent a similar neglect of signals from that committed by the vice admiral on the 27th of July. He had in fact delivered out an order, which though it did the business in a very gentle manner (a matter which he owned he aimed at) nevertheless could not but convey to the captains in general, as well as to the vice admiral's sensibility, a rebuke of his misconduct. The order that he had issued previous to his sailing from Plymouth a second time, as an additional fighting instruction, he would read to the House. [The admiral here read it.] The purport of it was, that the commander in chief's signal, upon forming the line of battle, was to be attended to in preference to any other signal. The additional fighting instruction, he said, had its effect; for on his going out a second time, he found the discipline of his fleet so much improved, that he considered himself as stronger, by the addition of five ships of the line, than he was on his first cruize; and had he had the good fortune to have met the French fleet, he had not a doubt but he should have proved that the order made that difference.

The noble lord had put his abilities to the stretch, in order to defend the recriminating principle on which he had brought his accusation against him. The better to elucidate this matter, he would state to the House the facts on which the whole matter rested. On his arrival in town early in the session of 1778, sir Hugh Palliser wrote him a letter, stating that a paragraph had appeared against him (sir Hugh) in the General Advertiser, and desiring that he would sign a paper inclosed, by way of contradicting the article which ascribed the failure of the business of the 27th of July to the vice-admiral. The governor of Greenwich-hos-

pital called on him in person shortly afterwards, desiring him to sign this paper; a paper which he could not have put his name to, without, at the same time, subscribing to some of the grossest falsehoods that ever were committed to paper. A conversation ensued between the governor of Greenwich-hospital and himself; in the course of it he had argued upon the impropriety of a commander of a fleet putting his name to any matter, in a common newspaper, contradicting a publication of such a trifling nature as an anonymous paragraph, and had justified his excusing himself on the strong ground, that having written nothing upon the subject himself, but his public letters, the governor of Greenwich Hospital had no right to expect him to sign a contradiction to any thing that might have appeared. They grew warm, and the vice admiral said, "I'll tell! I'll tell all!" His answer to which was, "Sir, I dare you to do your worst;" and having made this reply, he quitted the room. He added, that what he had said, was not only true, but luckily there happened to be a gentleman present at the conversation, who, if the vice-admiral pleased, should be brought to the bar, to prove every word he had asserted; and that gentleman, on hearing the vice-admiral say, "If you won't sign this paper," or something to the same effect, "I'll tell all!" immediately told the vice-admiral, that if he knew any thing against admiral Keppel, which would go to a proof of his having failed in the discharge of his duty, he must be a bad man to have concealed it so long.

In respect to the two courts martial, it was highly improper and injurious to talk of the conduct of officers sitting as judges, in so loose a manner as had been done; if the House were dissatisfied with the sentences of either court-martial, the only fair way of instituting an enquiry into the grounds of those sentences would be, by absolving the members of each from their oaths, and examining them at the bar of the House. By that means, they would get at the truth; and though he had every reason to be content and happy under the result of the former enquiry, he had not the smallest objection to undergo a new one. He had faced one trial, on the issue of which his honour and life depended; he had no dread of going through another, because he knew no reason to fear the event. The late trials, however, had furnished him with greater knowledge

of the nature of the vice admiral's neglect than he had before imagined was the fact. Had he known as much on the 27th of July as the evidence called by the vice admiral himself had proved, he would have ordered the vice-admiral to have quitted his ship, and not suffered the state of the Formidable to prevent the renewal of the engagement.

Though he was proud of enjoying the good opinion of every man in the service, he did not feel himself greatly indebted to the hon. officer for his compliments; because the praise which the hon. gentleman had given him on the one hand, the had done fully away, by the censure which he had levelled at him with the other, he balance therefore was pretty equal. That the 27th of July was an unfortunate day for England, he freely admitted; and wished as little to hear that day mentioned as the hon. gentleman; at the same time, he could not but declare himself much obliged to his hon. relation behind him, for having moved the present question, because at the same time that it afforded the hon. officer who spoke last an occasion for delivering his opinion upon a matter in which his honour and character were deeply involved, it gave him an opportunity of replying and controverting such parts of that hon. gentleman's opinion as were erroneously conceived, and unjustifiably maintained. With regard to some of the hon. officer's animadversions, every man must know how ill they were founded. The hon. officer, among other pointed sarcasms on his conduct, had said, that he was thanked by the House for sending home fleets which were in port before he sailed. So far was this from being a fair account of the events of his command, that it was undeniably true, there was never a year of war in which a naval commander was more successful in the protection of the commercial interests of the kingdom. It was his aim at the time, and it would ever be his boast. He had sent in three several fleets of immense value safe, and in order to effect this completely, he had turned back with his whole fleet (the largest he had ever seen under the command of one man) and had not altered his course till he had driven the convoys up the Channel, and left them in perfect safety. The admiral thanked the House for their indulgence and patient attention; and concluded with saying, he had come down with his pockets full of papers, had occasion arisen for a reference to any one of them.

Sir *Hugh Palliser* rose, and began with saying, that the last time he had the honour to speak in that House, he was so much indisposed with a cold and hoarseness, that he could not finish what he had to say, otherwise he should have taken notice of several things that then dropped from the hon. gentleman, who distinguished himself as the leader of the present persecution of him. On the present occasion too, as so much had been said by several other gentlemen, and in so much better terms than he was capable of expressing himself, he would ask the indulgence of the House to hear him on a few points only. He said, he found that either he had not been distinctly heard, or was misunderstood by the hon. gentleman in one particular, that of his supposing he meant to attack the sentence of Mr. Keppel's court-martial; in his former speech, he had declared he did not wish to impeach that sentence, so far as it related to Mr. Keppel's acquittal.

The hon. gentleman claimed a right to quote that part of the sentence which condemned the vice admiral for making a malicious and groundless charge, as a public record, and under shelter of that description of it, had said his quoting it was not to be considered in a personal light, but as a right he had to quote, in the freedom of debate, a public transaction for the information of his constituents and the nation at large. Upon that ground, sir Hugh said, perhaps he could not properly take it up as personal; but he declared, that whenever the hon. gentleman should in future quote that part of the sentence in the partial and unjust way he had done, he would always rise and reproach him with want of candour; because when the hon. gentleman said that sentence declared him convicted, and condemned him for making a malicious and ill-founded charge, he ought to add, what is also a part of the same record, that he was neither upon trial, nor heard, either in support of the charges which he had regularly and legally brought before that court, nor in his vindication for bringing them, nor in his own defence on the recriminating charge against him, upon which the person upon trial had partly rested his defence: upon all which heads sir Hugh had repeatedly claimed his right to be heard, and was as repeatedly denied it. Hence it was plain the hon. gentleman did not quote that record, as he called it, for the purpose of conveying right information of a public

transaction to the nation at large, but in effect by his partial quotation of it, he misled and deceived the nation, and kept up injurious prejudices against him; therefore he would always reproach him with a want of candour, and of acting a part unworthy of himself: and the hon. gentleman was more open to this reproach than any member would be who had not attended the trial, nor carefully perused the minutes of the trial, for such as had not, by being led away by the stream of prejudice raised by noise, clamours, mobs, &c. expressly for the purpose of confounding all truth, and for establishing those prejudices, might not know that sir Hugh had been refused a hearing upon every point. But the hon. gentleman attended the trial himself; he heard those denials given to the vice admiral; he knew that the objections to hearing him did not originate with the court, but came from Mr. Keppel, who was upon trial. He said, that in his own mind, he was convinced it never had entered into the minds of the court to entertain a doubt about the propriety of hearing him; nay, after Mr. Keppel's objecting to it the first time, the court acquiesced in the declaration of one of its members, that finally, after all the evidence was gone through, they would hear him.

Sir Hugh added, that though the objection to his being heard on the merits in any stage of the trial was first made by Mr. Keppel, yet he believed that it did not originate even with him; for so soon as it was known that sir Hugh intended to address the court, all Mr. Keppel's friends about him, consisting of many noblemen and gentlemen, leaders in opposition, assembled about a table in court, and appeared to be in consultation; the issue of which was, that Mr. Keppel came forth with his objection in writing, and in the stile of a mandate, said, he objected to sir Hugh's being heard on the merits of the cause in any stage of the trial; so that sir Hugh said, he did not lay the injustice wholly at the door of the court, for he did not think any of the members intended wilfully to do him injustice, but he attributed it to the party which formed the objection to his being heard, and which undoubtedly made it from the apprehension that if he had been heard, the court perhaps could not have totally acquitted Mr. Keppel, or have passed a sentence of malice upon sir Hugh.

The hon. gentleman was not less reproachable for want of candour in his

manner of stating the vice admiral's motives for quitting his employments: he might give the hon. gentleman the same rebuke upon this point, as he had met with the other night from a noble lord, a very respectable admiral, for having taken upon him to account for his lordship's motives, without knowing them from himself. The hon. gentleman had attempted to lead his hearers into an opinion, that he did it out of fear of his threats against him in parliament, and from a conscientiousness of guilt: he assured the hon. gentleman, that he was never more mistaken in his life, than in supposing him afraid of him or his threats: that amongst all his foibles, that of fear did not belong to him; that fear was a tax which conscience pays to guilt. Let it, therefore, be applied to those who wantonly calumniate and blast the characters of others, and are afterwards afraid to stand a full hearing, object to hear the injured party, and do all that in them lies to prevent that injured party from having a fair trial. He confessed, indeed, that upon one occasion, he was afraid. He was afraid of a mad, deluded, furious mob. This mob first forcibly entered his house, and not finding him there, destroyed his property, and attempted to pull down his house; then proceeded to his house in the Admiralty, where he was, and forced the Admiralty gates, and attacked the house; but, at the moment of their forcing an opening into it, the guards happily came to his relief, and saved him from being torn in pieces. Then, he confessed, he was really afraid; was forced to abscond in disguise, and conceal himself in an obscure place, for he durst not shew himself in London, much less offer to come to that house. It was under these circumstances, he wrote his letter of resignation; what he did on this occasion, was exactly the same as was done by one of the most famous admirals we read of in history, who, under the like circumstances of prejudices and outrage, which had risen to a height his friends could not support him against, laid down his commission, declaring he had done it to quiet the people. Afterwards, when those prejudices subsided, he resumed his commission, and rendered more service to his country at sea, than any other man ever did. He was speaking of the famous Dutch admiral Van Tromp.

What sir Hugh had done under similar circumstances was nearly the same; and his real motives for resigning, he said, would best appear from his letter of resig-

nation, written in the obscure place to which he had retired. This letter, he observed, would have been written in a better stile, perhaps, if his mind had been more tranquil at the time; but such as it was, he would read it to the House. It was addressed to the earl of Sandwich, and in the following words: "My lord; after duly revolving in my mind the present state of things, and the confusion into which his Majesty's service is thrown by the violent measures and proceedings of a deluded mob against me; and having long perceived a spirit of envy and jealousy drawn upon me by the favours and honours which his Majesty has from time to time been graciously pleased to bestow on me, as rewards of long and faithful labours in the service of my country, I think it best, in order to abate the rage of prejudice raised against me, and to favour measures to restore tranquillity, humbly to beg your lordship will intercede with his Majesty to permit me to resign my commissions as lieutenant-general of the marines, and the nominal government of Scarborough castle. At the same time, I must beg, through your lordship's favour, that his Majesty may be assured of the continuance of my loyalty, duty, and zeal towards his Majesty, to the last moment of my life, whatever may be my fate, and to whatever low situation I may be reduced. I have the honour to be, &c." Sir Hugh added, that he had lately been superseded in the lieutenant-generalship of the marines by sir Thomas Pye; but that he still remained governor of Scarborough castle, with the salary of 16*l.* per annum. He then appealed to the House, whether this letter betrayed any consciousness of guilt, or fear of the hon. gentleman's threats in parliament.

Occasion had been taken on a former day, by the same hon. gentleman, to insinuate to the House, that he had acted in this matter under the influence of some persons who were supposed to be enemies to admiral Keppel. He declared he had not taken any steps under the influence or with the advice of any man, but had acted in all things, as he thought, consistent with what a military man and a man of honour ought to do, when his reputation is unjustly attacked; that is, he had trusted entirely to the merits of his cause, without applying to any party or set of men, or to any minister, for assistance, countenance, or protection: nor had he applied to any flag officer to interfere by me-

memorial to the King in a cause depending; nor had solicited any officer in the service to take a part in it: yet so strong had the seeds of party been sown in the navy, that after admiral Keppel's trial was over, and after his own trial was ordered, two flag officers and some captains became so regardless of even the semblance of decency, that even when they knew they were to be called as witnesses on his trial, they signed an address, intended to be presented to the King, praying that sir Hugh's flag might be taken from him, and that he might not be allowed the benefit of a trial. Such was the baneful influence of party, and so much was that party afraid of sir Hugh's having a trial, knowing that at a fair trial he must be acquitted, and many disagreeable truths would come out, that a sufficient number of officers could not be prevailed upon to sign the memorial to countenance the delivery of it, and therefore it was dropped.

A good deal had been said to depreciate the part he had taken in the action. He was exceedingly unwilling to say any thing that seemed like sounding his own praise; but he could not help observing to the House, that he had gone singly and alone into the middle of the French fleet, had fought his way to the end of their line, and had turned again to renew the action. This he had done without ever, in the smallest degree, suspecting a design to sacrifice him, till it was put into his head; and by whom? by the admiral himself. But after doing his duty in a distinguished manner in the action, to be attacked and persecuted as he had been by his chief, and by a confederacy of so many powerful persons, both in and out of that House, was a treatment which no officer in this or any other country had ever met with before, and what hardly any man could bear; however, he thanked God he had hitherto had the fortitude to resist it.

He was glad to see an hon. gentleman (Mr. Burke) opposite to him, who was lately returned to his seat, as he had something to say which he should have been unwilling to mention behind his back. He had been told, that on a former occasion, whilst he was overwhelmed with injustice and oppression, and driven to a state of despair and adversity, the hon. gentleman had proposed, that an ample pension should be settled on him, to enable him to live comfortably in retirement. This he considered as the most

indignant insult which one man could offer to another in his then situation. He considered it as a bribe held out to him to sacrifice his own honour, to subscribe to his own guilt, though he knew himself innocent, to tempt him to avoid a fair trial, and thereby to conceal from the public, truths which they had a right to know. But rather than accept such a proposal, he would submit to be reduced to stand at his own gate, and beg from every traveller that passed, except indeed the hon. gentleman who was capable of making so indignant a proposal should pass; for from him, he would not, even under the severest extremity of wretchedness, deign to receive assistance. Yet he would thank the hon. gentleman for one thing he had said, which was, that if sir Hugh Palliser was obstinately bent on having a trial, he solemnly washed his hands of the poor gentleman's blood, but he would take care it should not be a sham trial; for this, sir Hugh said, he returned thanks, for he thought that it added lustre to his acquittal.

The hon. admiral who spoke last, had taken occasion to mention sir Hugh's application to him by letter, and by a personal visit, desiring him to do sir Hugh the justice to contradict the scandalous reports propagated against him by the admiral's relations and dependants, and the officers of the *Victory*; and had repeated part of what passed at that interview. He had first to observe, that the admiral had published that letter partially, and not wholly; what sir Hugh proposed to him was a full confutation of the injurious reports he complained of. But in his letter, sir Hugh said that any thing more agreeable to the admiral, which might be agreed on, would satisfy him; and, indeed, any thing that amounted to the admiral's authority to contradict them, would have been satisfactory. But he refused it; upon which sir Hugh spoke, and he was sure the admiral would do him the justice to remember it, in nearly these words: "Is it possible that you can countenance such injurious reports against me? I never yet knew why the battle was discontinued, or not immediately renewed and continued till it had been decisive. I cannot let the matter stand upon this footing; my reputation is wounded; the nation is dissatisfied; they have a right to know, if there was any fault, where it lies." Sir Hugh added, when he visited the admiral, he found him alone: that

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they remained by themselves, sat down, and were discussing the subject very dispassionately, when a third person came in; after which every thing that passed was with warmth and anger. The admiral quitted the room, and as sir Hugh did not choose to have any conversation with the other gentleman, he went away, and immediately contradicted, in his own name, the injurious reflections against him. This had highly offended Mr. Keppel, as he had refused his authority for it; and he came down to the House, and fixed a stigma on sir Hugh, by declaring he would never serve with him again: and insinuating, that he had disobeyed his orders, but yet refusing to bring him to a court-martial. Sir Hugh, therefore, had afterwards applied for courts-martial on both.

The hon. admiral had thought proper to mention that he had occasion to rebuke the captains; and that, to prevent the like error in them in future, he had, when at Plymouth, issued an order for better explaining the method of forming the line of battle; but how ungenerous was it to rebuke officers, and mention it in that House, for errors or mistakes, if there were any, when they were occasioned by a deficiency in his own orders! The regulation the admiral mentioned, he never knew omitted by any commanding officer under whom he had served; and he had by him those instructions from every commanding officer under whom he had served since he had been a captain. Here, he said, he could not help calling the attention of the House to a matter, which he thought materially concerned the welfare of the naval service. What must be the state of the minds of officers, when they reflect on the proceedings of admiral Keppel's court-martial, and on the new doctrine maintained that night, when they are told, that they may be condemned, degraded, and their reputations taken away without trial, and without a hearing; and in confirmation of this doctrine, a great sea officer had stood up in parliament, and declared, that he could at any time, with a fillip, set aside another sea officer of high rank, not indeed equal in rank with himself, but next in degree, and high in reputation, in that respect, equal to and of as long service as himself: and when they reflect also, that admiral Keppel had done that by this officer, without putting him upon trial. Think on the consequence of this precedent, if it should govern future courts-martial.

Mr. *Burke* said, he never rose in that House without some pain, being perfectly conscious that however pure his intention might be, and however great his zeal to serve his country, he was but little entitled to trouble the House, and rarely made them amends for the attention with which they honoured him; but if his uneasiness was at any time of his rising peculiarly painful to him, it was so most of all, when he had occasion to speak upon so miserable and insignificant a subject as himself. Such, however, was his situation at that hour, that he was under the necessity, the indispensable necessity, of troubling the House upon the singularity of what had happened to him. Before he came into that House (out of which, God knew, he was extremely willing to have continued, had his friends been of the same opinion that he entertained) he had heard that the noble lord in the blue ribbon, in the course of a debate which had taken a turn towards the very topic at that moment under the consideration of the House, had done him the honour to allude to some words supposed to have fallen from him in a debate two years since, and which words were the cause of the expressions of anger used against him by the hon. vice admiral opposite to him in one part of the speech. He stood thus singularly circumstanced: the noble lord, professing to defend the vice admiral, and professing to pay a compliment to him, had held up his supposed words, as a proof of his liberality and benevolence towards the vice admiral, and as a proof of his persuasion of that gentleman's merit and claim to reward from the crown. Such was the comment, and such was the construction put upon his phrases by the noble lord; those very phrases, which the hon. vice admiral spurned at, and declared he felt "to be the most indignant insult that could be offered him, because it was a bribe, held out to him to sacrifice his own honour, to subscribe to his own guilt, though he knew himself innocent, to tempt him to avoid a fair trial, and thereby to conceal from the public, truths which they had a right to know." The hon. vice admiral had gone farther—had said, he would sooner be reduced to the necessity of begging his bread at his own door, than accept this bribe, and would sooner die in a ditch than deign to receive his charity.

In answer to all this, Mr. *Burke* assured the hon. vice admiral he had totally mis-

taken his meaning; whenever he intended to act in the manner the vice admiral had conceived, first of all he would take care that both his bribes and his charity should be offered in private. He would neither propose the one in a popular assembly, nor administer the other in the public street. As little did he mean to give the House to understand, as the noble lord in the blue ribbon had chosen to interpret, that he thought sir Hugh Palliser worthy of a reward. God knew, he had not an idea of either bribe or reward! How ridiculous must it appear in him to talk either of bribes or rewards; the House well knew he had it not in his power to bestow either. He had no such power at the time alluded to, any more than at present; the noble lord in the blue ribbon was perfectly aware of this; the noble lord knew where the power lay, and who it was that was best able to tempt by a bribe, or to gratify by a reward; else whence the majority that attended the noble lord when he divided upon the question started by his hon. friend who made the motion respecting sir Hugh Palliser two years ago? The first idea, for the reasons he had stated, had never once entered his thoughts; the second, neither at the period of time that passed between the trial of his honourable, his worthy, his dear, and truly respectable friend, admiral Keppel, and the trial of the hon. vice admiral who spoke last, had ever suggested itself to him, because he knew that a man who had been declared by a court-martial to have preferred a malicious and ill-founded accusation against his commander in chief, was not by any means to be regarded as the object of personal honour or of pecuniary reward, however the mortifying, the low, the abject state into which he had suffered his passions to plunge him, might give him some claim to private pity. The hon. vice admiral's situation had excited his compassion, the hon. vice admiral might reject his sympathy, but he could not prevent him from feeling that sentiment.

But to what, said he, are the counsels, debates, arguments, and reasonings of this House arrived, when a proposal of mitigation of punishment, when emotions of pity are construed into a proof of the innocence of a person, declared to be a false and malicious accuser, or into a bribe to induce him to acknowledge his guilt by silence under a sentence, coming from the first authority, and which no

subsequent trial can possibly weaken the force of? The hon. vice admiral had boasted of his having gone singly and alone into the middle of the French fleet, and of his having fought his way to the end of their line. No one subject that had ever in the whole course of his life challenged his notice, had been studied by him with so much attention and so much care, as the transactions of the 27th of July, because the honour and the life of the dearest friend he had on earth, made those transactions of the most serious importance to him; and whenever so exalted, so virtuous a man, a man for whom he felt the most ardent esteem and the warmest friendship, was put into a situation of danger, and his life set upon the hazard of a trial, he felt himself irresistibly impelled to give him every possible countenance and support (though the support of conscious virtue was all that admiral Keppel needed, and God knew, no man possessed conscious virtue in a higher degree) and to share personally with him in the perils of the conflict, and in the disgrace or honour of the event. He had not only been present at the trial, and listened to the minutest particular of the evidence with the most attentive ear, but he had read every syllable that had come from the press upon the subject, that bore any thing like the stamp of authority. He had perused the three trials over and over, in order to make himself completely master of the subject; he could therefore with the fullest confidence assert, that the charge brought against his noble and worthy friend was malicious and ill-founded. What was the charge in one part but a charge of negligence? A charge of negligence urged against admiral Keppel, the most diligent of all men! But the hon. vice admiral has said, that he sailed singly and alone into the midst of the enemy's fleet, inferring from that, that he was neglected, and meant to be sacrificed. In order to prove to the House what had been before proved to the satisfaction of the court-martial, namely, that this assertion was altogether ill-founded, Mr. Burke said, he would read an extract or two from the trial, shewing, that so far from the *Formidable* being left alone in this perilous situation, as the hon. vice-admiral would have the House imagine, the *Formidable* was followed so closely by some ships, and led on by others, that it was with the utmost difficulty mischief was prevented, either from the ships running foul

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of each other, or one or other of them receiving the fire of those that were nearest.

Mr. Burke here took up the printed copy of admiral Keppel's trial, and read extracts from the evidence of capt. Laforey, who then commanded the *Ocean*; sir Richard Bickerton, captain of the *Terrible*; capt. Maitland, of the *Elizabeth*, and other officers, in order to shew that the *Formidable* was at one time so situated, that one ship was obliged to bear up, and shoot a-head of her, another to backen her mizen top-sails, to prevent coming on board her, and that another slackened her fire, because, had she continued it, she must necessarily have fired directly into her. Mr. Burke dwelt on the result of these extracts for some time, and said it thence was evident, that so far from the *Formidable* being left alone, she was jammed in among a crowd of ships, that were at hand to support her; but even if it were true, that the admiral had rushed like a lion singly and unsupported amidst the French fleet, and after he had passed them, had turned back again with the fury of a British bull-dog, as his honourable friend—he begged pardon—the honourable officer (for when he was to choose which he was to adhere to as his friend in future, the hon. commodore, who had thought proper to go into new connections, connections with those who had nearly ruined their country, or the hon. admiral, the object of his esteem, his respect, and his admiration, he had no difficulty in making his election) but if the vice admiral's conduct had been such as the hon. commodore had described, what would be the true colour of it? It would be brave, it would be daring; it might have entitled a young officer to great praise on the score of his courage, but would it have reflected any honour on the vice admiral as a commander, and as the leader of a division of a great fleet? Let the House consider the essential difference between the one character and the other. Let them consider that what would become the first, would greatly misbecome the second. That prudence and skill in a commander are as essential as personal courage; to rush singly into battle with impetuous fury, without having taken measures to be properly sustained, neither shewed great skill nor great prudence. If the vice admiral, therefore, had been warranted to claim the sort of merit which he had assumed, and which

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he trusted he had proved did not belong to him, even then he must, from his own shewing, appear to the House to have acted in a manner not consistent with his duty as commander of the blue squadron.

Mr. Burke next went on to an examination of the sentence of the court-martial which tried admiral Keppel, and endeavoured to prove that the court had not only acquitted the admiral unanimously, but that they had also unanimously given it as their opinion, that the charge was malicious and ill-founded. In order to do this, he read the sentence, and divided it logically into the premises and the conclusion. He said, the part of the sentence which stated that the court "having heard the evidence, and maturely and seriously considered the whole, are of opinion that the charge is malicious and ill-founded: it having appeared that the said admiral, so far from having, by misconduct and neglect of duty, on the days therein alluded to, lost opportunity of rendering essential service to the state, and thereby tarnished the honour of the British navy, behaved as became a judicious, a brave and experienced officer;" was undoubtedly the premises, or the ascertained facts; from the whole of which they deduced the consequence, or conclusion, expressed in these words: "The court do therefore unanimously and honourably acquit the said admiral Augustus Keppel of the several articles contained in the charge against him, &c." It was impossible, he contended, to separate the one from the other, because, in fact, such a separation would be to make downright nonsense of the whole, or to falsify the conclusion, which, beyond all dispute, as the main part of the sentence, could have no foundation but in the premises, and must be vitiated and impeached in proportion as the premises were vitiated and impeached. If the premises were general and co-extensive to the accused and the accuser, the epithets of force used in the conclusion must be equally general and equally co-extensive.

Having put this argument with wonderful ingenuity, and reasoned upon it with that splendour of ability which Mr. Burke is peculiarly gifted with, he indulged himself rather in a ridiculous than a serious refutation of the arguments that had been used, not only to prove that sir Hugh was not declared to have preferred a malicious and ill-founded accusation by the una-

nimous opinion of the court-martial which tried admiral Keppel, but was honourably acquitted by his own court-martial. The grounds of argument rested on by Mr. Miller were the chief objects of Mr. Burke's irony. He said, that gentleman had very ingeniously shown the House a new mode of argument; he had held that unanimity was liable to suspicion; that a bare acquittal was at least equal to an unanimous and honourable acquittal, but that an acquittal, accompanied with censure, was much better than either a bare or an unanimous acquittal. The hon. gentleman had stretched his argument within a short, a very short limit of its extremity; he had only to have added, in order to have completed his own climax, that a condemnation was best of all, and that on the same principles that had governed his other positions, namely, that "an acquittal by a majority was better than a rash and good-natured unanimity." If this new doctrine were subscribed to, he for one was ready to admit that sir Hugh's acquittal was much more honourable than that of admiral Keppel. But as the House was, or at least ought to be looked up to, as a solemn and august assembly, and as the present subject of discussion would probably be regarded without doors, both now and hereafter, as a very serious parliamentary topic, a topic on the disposal of which the future prosperity of the navy of England depended, he hoped the House would not be led away from the true state of the argument, by distinctions more remarkable for their ingenious absurdity, than for their solidity, power of conviction, or alliance to fair reasoning.

He next adverted to the sentence of sir Hugh Palliser, and the comments that had been made upon it by the noble lord in the blue ribbon, and other gentlemen. He added the declaration of admiral Keppel's court-martial, respecting the vice-admiral, to the part of the sentence of that of sir Hugh, (which pointed out the vice-admiral's misconduct) and said, the result of the two in the scale of censure, was, that the vice-admiral had been guilty of three distinct acts of misconduct; admiral Keppel's court-martial had given it as their opinion, that he had preferred a false and malicious charge, and his own court-martial had charged him expressly with having been guilty of neglect of duty, in having omitted to inform the commander in chief of the state of the *Formidable* by the *Fox* frigate. The part of the sentence of the

court-martial which tried admiral Keppel, had been declared extrajudicial. That was not the question before the House. Had not the court or courts perfectly competent to pronounce such an opinion, declared the charge to be malicious and ill-founded? Could any man deny that the court had declared so? Would any man avow that the honour and veracity of the court was in any degree questionable? What, then, was the amount of the declaration, that the sentence of admiral Keppel's court-martial, inasmuch as it censured vice-admiral sir Hugh Palliser, was extrajudicial and unwarrantable, but a libel? And here he wished the House to consider that libels derived their power of virulence, of venom, and of effect, in proportion to the degree of weight with which they were committed to circulation; a parliamentary libel must necessarily be the worst of all libels; that House therefore ought to pause at the threshold, to consider where they were going, and to consult their reason, whether it was consistent with their dignity, agreeable to truth, or wise in itself, to adopt the libel suggested against admiral Keppel's court-martial, and give it their countenance.

He next went into a consideration of the arguments held by commodore Johnstone. He particularly defended admiral Keppel for having forgiven the vice-admiral at first, and for having acted consistently with that forgiveness afterwards. He said, that admiral Keppel could not do otherwise than sail a second time with the vice admiral of the blue, after he had once made up his mind to the forgiving and overlooking his misconduct on the 27th of July, a day which he was ready to acknowledge, was not a day of triumph to this country; but then the question naturally arose,—to whom was it ascribable, that it had not been a day of triumph and a day of glory? The fault must lay either at the door of his dear and honourable friend, admiral Keppel, or at the door of the vice admiral. Where were the injured people of England to look for evidence and conviction of the fact, but to the sentences of the two court-martials? Sentences delivered on oath by men of high honour, unimpeachable integrity, and undoubted knowledge of the subject. What said the court-martial that tried admiral Keppel? Had they not acquitted him honourably and unanimously, and declared the charge malicious and ill-founded? Did the court-martial that tried the vice-

admiral acquit him honourably and unanimously? No. They pronounced a very different judgment; they expressly condemned him, and declared him guilty of misconduct. The people of England therefore must see where the blame was due.

He ridiculed commodore Johnstone's assertion, that if his father, his brother, his son, or his dearest friend, was guilty of misconduct or neglect of duty, he would punish him agreeably to the laws of the service. This was fine theory and good doctrine in speculation, it sounded well, but it signified nothing; every man's heart must tell him that it was not in human nature to carry such theory rigidly into practice. A thousand reasons would naturally suggest themselves, every one of them tending to the honour of admiral Keppel, and tending to prove his noble-mindedness and generosity in forgiving sir Hugh Palliser's first neglect, and in sailing with him a second time: but if no other were to be found, than an expectation that such lenient treatment would operate on a generous mind, so as to produce more care in future, and inspire an anxiousness to expiate past errors by present good conduct; that alone was a reason sufficiently strong to bear out the matter in question. With regard to the public illuminations, he knew as well as the hon. commodore, that the people did not rejoice because the trial proved that the 27th of July was a day of triumph to Great Britain. No: they rejoiced because they saw that a gallant officer, a worthy and an honest man, had escaped from the malice of his accuser: because so respectable, so excellent a public character, was acquitted with honour, and because generosity, sincerity, and virtue, had gained a victory over malice, treachery, and meanness! These, and these only, were the causes of the public illuminations and rejoicings; and what honest Englishman was there, whose bosom would not expand with the most exalted rapture on such an occasion? He concluded with declaring, that the motion, as originally moved, had his hearty assent.

Mr. *T. Townshend* insisted with great animation on the virtues of admiral Keppel, which he contrasted with the conduct towards him of the governor of Greenwich-hospital. He said, lord North and others impeached the court-martial. He was very severe on commodore Johnstone: he was not afraid to encounter his arguments,

but he did dread his venomous praise. Being told that he was in the gallery, he said, I am glad that he hears me, I will raise my voice, that he may hear me distinctly; I am glad that he knows my opinion of him.

Mr. Attorney General *Wallace* said, that condemning sir Hugh Palliser of malice, was subversive of all honour and justice. He acknowledged that he had said, at a time when he did not know all the truth, and when there was a popular rage against sir Hugh, that if any minister were so imprudent as to employ him at that moment, he deserved to be accused; and, said he, I do not say that the times are changed, or that popular fury is abated; I do not say, that I know they are changed. If they were, to be sure that would make a material difference. In the mean time I maintain my consistency of conduct, by observing that the governorship of Greenwich-hospital is not a very efficient office. It is not a military office. I ask what naval skill or courage are requisite for the government of Greenwich-hospital?

Sir *Fletcher Norton* knew that the manner in which he had conveyed the thanks of the House would be a subject of observation, and perhaps of censure. But he would always prefer his duty to every consideration whatever. He acknowledged a former connection with sir Hugh, nevertheless he thought it his duty, when he thanked admiral Keppel, to use the strong language of the court-martial, however displeasing it might be to sir Hugh or others. As to sir Hugh's not been tried for malice, or heard upon that subject, was he not heard on it when he laid before the House, and pressed home by every argument, all the evidence by which he supported his charge? For if his evidence was lame, and even trifling, what other motive could be assigned for his conduct besides malice? For malice was an act or disposition of the mind, which could not be proved by direct evidence, and could only be inferred from acts or expressions. These were before the court-martial; and from these they inferred malicious intention. What, though their sentence might be called extrajudicial? It was not properly any sentence at all. It was an opinion; but an opinion formed in such circumstances as to be equivalent to a sentence, and as operative on the minds of men. But why should this sentence be termed extrajudicial? The forms of Westminster-hall were not necessary to the decisions of

justice. The usage of any court constituted the law of that court; and the usage of courts martial constituted the law of courts martial. Indeed, this usage necessarily arose out of the circumstances of sea-officers, who had no other way of trying and stigmatizing malicious accusers.

Mr. Solicitor General *Mansfield* said, that however the forms of justice might vary, justice itself was invariable: and it was an essential part of justice, that every man should have an opportunity of answering to any charge that might be brought against him. The motives of accusers might be various; they might be misinformed; they might misconceive things; they might be credulous; though a charge might not be supported, it did not follow that it originated in malice; the person who brought such a charge might shew that malice could not be his motive, by shewing what his real views and motives were.

Mr. *Dunning* said, that sir Hugh and his friends were obliged to Mr. Fox for his motion; for after that should be negatived, as he presumed it would be, ministers would dare to do what they would not dare to do otherwise. It had been asserted, that it was allowed on all hands, that sir Hugh had been condemned of malice without being heard. That was not the case. That position had been denied in as strong terms as the decorum due from one gentleman to another would permit. He was heard on the charge of malice, when he was increasing his malice by every new effort to bring admiral Keppel to condemnation and death. The officers that tried admiral Keppel were competent to judge of sir Hugh's motives, therefore their opinion was of equal weight whether judicial or extrajudicial. That it was extrajudicial he did not think; for the form of different courts were different; and though it had been argued, that it was essential to all justice that no man should be condemned without being arraigned, a formal accusation was not necessary; and, with regard to sir Hugh's case, he had in fact been his own accuser; for if he could not prove a charge, nor make good what he undertook, which he must have known whether he would be able to do or not, he could be actuated only by malignant passions. He took notice of the very honourable acquittal of admiral Keppel. Men, in opposition, perhaps, to the views of policy and self-interest, under the lively impressions of truth and justice, had made

a very noble sacrifice to the cause of justice. Mr. Dunning was very pleasant upon the Attorney-General. He knew, he said, and had foretold that the ingenuity of the learned gentleman had provided some hole for escape, when he had talked of impeaching the minister who should dare to employ sir Hugh; and now it appeared that he had a very wide gate for getting out of the scrape. For unless ministry had employed sir Hugh at the very moment he made that declaration, he could plead that times and circumstances had altered: "Tempora mutantur, et nos mutamur in illis."

Lord *Frederick Campbell* said he should be on the side of justice, and should vote for the amendment, because he never would accede to the doctrine, that any man in this country in any court, either a court-martial or a court of law, could be deemed guilty of any specific crime without a trial, or being heard in his own defence; he therefore should vote for the amendment.

At two in the morning the question on the motion as amended by lord North was put, and the House divided:

Tellers.

YEAS	{	Mr. De Grey - - - -	}	214
		Mr. Ord - - - -		
NOES	{	Mr. Thomas Townshend	}	149
		Mr. Byng - - - -		

So it was resolved in the affirmative. Mr. Fox then moved to insert the following after the words "heard in his defence:" "the judge advocate having, by the direction of the said court, declared, that it did not occur to the recollection of any of the members, that it had ever been the usage at courts martial to admit any thing on the part of the accuser, after declaring he had gone through all the witnesses he should produce in support of the charge, and that they had agreed that the paper then offered by the accuser could not be admitted; and the said court having, in another part of the said trial, declared that they continued of the same opinion, and had agreed that the whole evidence, not only on the part of the charge, but of the defence, having been closed, nothing further, by way of address from either party, could be received." This Amendment was over-ruled by the motion for the order of the day, to which the House agreed.

EAST INDIA AFFAIRS—*Petitions from*

*the Governor General and Council at Calcutta; and from the British Subjects residing in Bengal, Bahar, and Orissa, against the Supreme Judicature of Bengal.**] A Petition of Warren Hastings, esq., governor general, and of Philip

* "The affairs of India now began to require and to attract the most serious attention of the House of Commons. It was strongly insisted upon by many persons of weight, that the interference of the crown under the sanction of parliament, in 1773, in regulating the government of the East India Company's possessions in Asia, and in the management of its affairs at home and abroad, instead of the benefits which were held out at that time, had produced such scenes of disorder, and such a state of confusion in India, as has not often been the result of civil, or even of any regulated military establishments.

"It was pretty generally allowed, that the double interests, mutually counteracting each other, which were then formed, and the opposite powers which the Company's servants looked up to, necessarily slackened all the bands of obedience, and by degrees destroyed all authority. The revolution at Madras, the fate of lord Pigot, the triumph, rather than escape, of the authors of that catastrophe, with the extraordinary phenomenon of Indian princes, at the distance of half the globe, becoming the authors of cabals, and the leaders of parties, in the capital of Great Britain, formed all together such a combination of circumstances, as pointed out the necessity of a review of our policy itself, in the government of India, as well as of the striking effects which it had produced.

"Bengal, by the new regulations, had been made the seat of government of the British dominions in the east. Two supreme jurisdictions were there established. The one, possessing all the political and executive powers of government, under the name of governor general and council, extended its superintendence and controul over the other presidencies of Madras and Bombay. The second, composed of judges sent from England, was called the supreme court of judicature, and was entirely independent of the governor general and council. As the one succeeded, with great additional powers, to the ancient presidency, so the latter did to the mayor's court of Calcutta: a court, which though composed of magistrates not bred to the knowledge of the law, yet by acting upon the general principles of rectitude, and with the assistance of juries, was highly distinguished, as well for the moderate expence of time and money at which justice was obtained, as for the fairness of its proceedings, and the equity of its decisions.

"It was scarcely, perhaps, in the nature of things, that these separate independent powers, especially at such a distance from

Francis and Edward Wheeler, esquires, counsellors for the government of the presidency of Fort William in Bengal, was presented to the House, and read; setting forth,

“That, by an Act of the 13th of his

home, as to be in a great measure beyond the reach of controul, should subsist long together without clashing. The public had hitherto received only the charges against the supreme judicature of Calcutta. Their friends could therefore only request, that no hasty opinion should be formed, nor censure past upon their conduct, until they were heard.

“In this state of things, it is not easy to settle in what proportions the blame is to be laid, upon the constitution itself, or upon those who acted under it. It seems, however, to have been generally acknowledged, that the measure of attempting to establish the English laws, courts, and forms of justice, amongst the various nations, religions, languages, and races of men, subsisting in India, and where scarcely any length of time could even render them intelligible, will probably ever be considered as a fundamental political error. The antiquity of the Gentoo civilization, laws, religion, and customs, fortified by the invincible attachment which it produced in the people, had, in all ages, procured the political attention, if not the respect, of the most ferocious and barbarous of their various conquerors. However the people were oppressed or pillaged, their prejudices in those respects were sacred and inviolate.

“The Zemindars, who are the present great landholders of India, are likewise a sort of hereditary princes of the country. They generally rent, from their subsisting masters, those lands which their ancestors possessed in sovereignty. Some of these hold lands to the extent of ten or twelve thousand square miles, and as the rents were generally easy, and the people still regard them with the highest degree of attachment and reverence, they are enabled to retain some appearance of former royalty in their palaces, and still more in their authority. The English government in this country, is in a great measure maintained through this attachment of the people to their princes; and the desire of enabling the Zemindar to discharge his rent, is a principal spur to their industry. All the judicial business of the country had hitherto been transacted in their provincial courts, and matters of litigation decided according to the known laws and customs.

“The authority of the native courts was not only denied by the new judicature, but their members were punished even to ruin, as well as personal infliction, for the discharge of their functions, according to the established laws and constitution of their country, which had till now been acknowledged by all conquerors. We are at all times to recollect,

present Majesty, intituled, ‘An Act for establishing certain regulations for the better management of the affairs of the united East India Company, as well in India as in Europe,’ the whole civil and military government of the presidency of

that it had been the constant policy of the East India Company in the government of those countries, to act under the apparent authority, and as the nominal servants and officers, of that shadow of the ancient supreme sovereignty, the representative of the Grand Mogul, who still resided at Delly. So that the new system of judicature operated not simply as a violent and unprepared innovation, but as a total revolution in the mode of government established by ourselves.

“The astonished and terrified natives of Bengal and the adjoining countries, now beheld the extraordinary spectacle of English bailiffs, accompanied by considerable bodies of armed Europeans, traversing the country, at the distance of some hundreds of miles from Calcutta, to execute by force the decrees of the new judicature, founded upon laws and distinctions which they were utterly incapable of comprehending, in the palaces, and on the persons, of the Zemindars; whom they viewed at once with the respect due to their natural princes, and to the medium of European authority. Force, in the defence of all that was held sacred, was opposed to force. A kind of sieges were formed; reinforcements were sent to support the assailants; the timidity, not the inclination of the people, prevented their being cut to pieces; places were carried by storm; the brother of one of the rajahs, with others of his friends or family, were killed in the defence of his palace.

“The apartments of the women, which are held sacred throughout all the East, and still more so among the Gentoos of rank, were violently broken into, and their persons, which are supposed to receive some defilement even from the casual view of a stranger, were subjected to the rude handling and rough treatment of those sort of ruffians who are generally employed upon such occasions. But this was not the worst. Their places of private and domestic worship were violated in the same manner; and those symbols, or external objects of their adoration, which had been sanctified by the reverence of ages, were dragged from their places by profane hands, and thrown amongst the heap of household furniture and lumber, which were collected to answer the ends of the execution.

“The governor general and council, who considered all matters of finance, and consequently all transactions with the Zemindars, as cognizable only by themselves, and still regulated in that resort by the known laws and customary course of justice in the country, could not but resent this invasion of their authority. They had indeed much serious

Fort William in Bengal, and the ordering, management, and government of all the territorial acquisitions and revenues in the kingdoms of Bengal, Bahar, and Orissa, are vested in the governor-general and council of the said presidency, in like manner, to all intents and purposes whatsoever, as the same were at the time of passing the Act, or at any time before might have been exercised by the president and council, or select committee, in the said kingdoms; and that by the said Act, his Majesty was empowered to erect and constitute a supreme court of judicature at Fort William aforesaid, with full powers and authority to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction over all British subjects resident in the said kingdoms or provinces, under the protection of the said united East India Company, and to hear and determine all com-

cause of apprehension, from the effects which this violence on the rights, passions, and prejudices of the people might produce, in a country where so many millions of natives were governed by a handful of strangers.

"They accordingly employed the military force of the Company to restrain the violence of the civil power; and a gang, consisting of about fourscore bailiffs and their associates, were in one instance disarmed, and sent up prisoners to Calcutta. Two petitions were now presented to parliament. The one from the governor general and council, giving a long statement of the transactions, and requesting an indemnification from those legal penalties, which, for the preservation of government and of the country, they had been under a necessity of incurring, in resisting the decrees of the supreme court, and the operation of an act of parliament.

"The second petition was subscribed by 648 of the British subjects residing in the provinces of Bengal, Bahar, and Orissa, containing a long detail of the grievances, oppressions, and violations of their rights as men and as Britons, which they had endured under the authority of the supreme court of judicature; particularly of their being deprived of the benefit of trials by juries in all civil cases; of the establishment of *ex post facto* and retrospective laws; of some matters relative to appeals, and the admission of evidence, which seem to be exceedingly oppressive and unjust; with a number of other assumptions of power, which, as stated, appear of an extraordinary nature. They likewise confirm the accounts given by the governor general and council, relative to the state of confusion, anarchy, and danger, which through these means prevailed in the country." *Annual Register.*

plaints against any of his Majesty's subjects, for any crimes, misdemeanors, or oppressions, committed, or to be committed, and also to entertain, hear, and determine any suit, action, or complaint, against any person who shall at the time when such debt, or cause of action or complaint, shall have arisen, have been employed by, or shall then have been directly or indirectly in the service of, the said united East India Company, or of any of his Majesty's subjects, and against any inhabitant of the said kingdoms, for a debt arising on any contract, or agreement, in writing, with any of his Majesty's subjects, where the cause of action shall exceed the sum of five hundred current rupees, and where the said inhabitant shall have agreed in the said contract, that, in case of dispute, the matter shall be heard and determined in the supreme court of judicature: that it appears to your petitioners, that the above recitals do clearly explain and define the powers and jurisdiction severally appertaining to the said governor general and council, and to the supreme court of judicature aforesaid; that is to say, that the supreme court of judicature is competent to exercise every kind of jurisdiction over all British subjects resident in the said provinces, and also over all persons, whether natives of these provinces, or others resident in the same, who shall, at the time when the cause of action instituted, or complaint made against them, shall have arisen, have been employed by, or shall then have been directly or indirectly in the service of, the said united East India Company, or of any of his Majesty's subjects, or who shall have voluntarily made themselves subject to the authority of the said supreme court of judicature, in the case of contracts expressing such a subjection; and that the said supreme court of judicature hath no power or jurisdiction whatever over persons not answering to these descriptions; and that the governor general and council are competent to exercise every function of government, and every right of jurisdiction, not vested in the supreme court of judicature as aforesaid, over all persons, natives or inhabitants of these provinces, who are either subject to the civil or military government of this presidency, or of the territorial acquisitions and revenues of these kingdoms, it being contrary to the nature of things that the governor general and council should exercise such authority over the

said territory and revenues, and not over the persons immediately possessing such territory and revenues, as well as to the rights derived by the governor general and council, in virtue of the said act, from the president and council and select committee of the said kingdoms, who did exercise such authority; and further to exercise every function of government, and every right of jurisdiction, absolutely and exclusively over all persons, natives or inhabitants of these provinces, who are neither British subjects, nor are, nor ever have been, employed by, or directly or indirectly in the service of, the united East India Company, or any of his Majesty's subjects; and that it is also provided by the said act, that the said supreme court of judicature shall not be competent to hear, try, or determine any indictment or information against the said governor general, or any of the said council, for the time being, for any offence (not being treason or felony) which such governor general, or any of the said council, shall or may be charged with having committed in Bengal, Bahar, and Orissa; and that it is further provided by the said Act, that nothing in the said Act shall extend to subject the person of the governor general, or any of the said council respectively for the time being, to be arrested, or imprisoned, upon any action, suit, or proceeding, in the said supreme court of judicature; and that, in conformity to the two preceding clauses, and evidently to render the same both effectual and consistent with the complete administration of justice, his most gracious Majesty, by his letters patent, establishing a supreme court of judicature at Fort William in Bengal, after reciting that it had been lawful for the mayor's court to issue their summons to the governor or president and council of Fort William in Bengal, to appear for the said united East India Company, and to compel their appearance, hath granted, ordained, and appointed, that the governor general and council shall and may, from time to time, by their sufficient warrant to be filed of record, name and appoint some sufficient person, resident in the town of Calcutta, to be the attorney of the said united East India Company, who shall remain and act as attorney to the said united East India Company so long as he shall reside in Calcutta, or until some other fit person there resident shall be appointed in his place, in manner above mentioned; and if any plaint shall be filed in the said

supreme court of judicature at Fort William in Bengal against the united East India Company, the said supreme court of judicature at Fort William in Bengal may, and is hereby empowered to award and issue their precept, directed to the sheriff, commanding him to summon the said united East India Company, by their said attorney, to appear at a time and place therein to be specified, to answer to the said plaint, and the sheriff shall serve the same upon the said attorney, and the said attorney shall thereupon appear for the said united East India Company; and that, after such appearance, the said supreme court of judicature shall and may proceed to hear, examine, try, and determine the said action and suits, in the manner specified in the said letters patent; and that it appears to your petitioners, that the two clauses above recited from the Act aforesaid, and the preceding extract from his Majesty's letters patent, do amount to a virtual, but certain, exemption of the persons of the governor general and council from the jurisdiction of the supreme court of judicature in all causes wherein the said united East India Company are parties; that is to say, in all causes originated from, or appertaining to, the acts of the said governor general and council, done by them in their character of managers, or agents, for the affairs of the said united East India Company, it being certain that the said united East India Company can do no acts in these kingdoms, or provinces, but through the agency of the governor general and council, and that the said united East India Company can therefore only be sued for the acts of the said governor general and council; and that therefore in all suits instituted in the supreme court of judicature, by persons aggrieved, or supposing themselves aggrieved, by such acts, such suits shall lie, and be brought against the said united East India Company only, and not against the governor general and council; and appearance shall be entered, for the said united East India Company, by their attorney, so constituted as aforesaid, he being their only efficient representative under the said letters patent; and that any attempt of the supreme court of judicature, to compel the said governor general and council to appear, and to answer to such suits, is illegal, and contrary to the intent and meaning of the said letters patent, which must be understood to bear the intent and meaning

which your petitioners have ascribed to it, or none: that, notwithstanding the clear limitation of the jurisdiction of the supreme court of judicature, and the privileges and immunities granted to the governor general and council in the above-recited provisions made by the act and letters patent aforesaid, the chief justice and judges of the supreme court of judicature have attempted to extend their jurisdiction over persons not answering to the description of such as are subject to their jurisdiction, and have advised, admitted, and, as your petitioners have every reason to believe, will attempt, to enforce suits instituted against your petitioners for acts done collectively by your petitioners, as governor general and council: the following being a summary relation of the facts to which your petitioners allude in this representation, craving leave to refer, for a more circumstantial information of the same, to the minutes of consultation and letters of your petitioners, which have been transmitted and addressed to the court of directors of the said united East India Company, and relate thereto, to wit: In or about the month of September last a suit was instituted in the supreme court by Cossinaut Bobboo, an inhabitant of Calcutta, against Rajah Soondernarain, the zemindar of the pergunnahs, or great divisions of land so called, of Cossijurah and Shawpoor; and on the 7th of the same month, your petitioners were informed that a writ of Capias had been obtained by Cossinaut, and sent by an officer of the court into the pergunnah of Cossijurah, to be served on the said Rajah Soondernarain, who, terrified by this act, had concealed himself, and thereby became incapable of attending to the collection of his revenues, and of fulfilling his engagements to the united East India Company, for their respective share thereof; your petitioners, alarmed for the immediate effects of this proceeding, and for the general loss which such an example was likely to produce in the public revenue of these provinces, and knowing that the said Rajah Soondernarain was not subject to the jurisdiction of the court, being neither a British subject, nor at any time heretofore ever employed by or in the service of the united East India Company, nor of any British subject, nor specially subjected to the supreme court in the suit which had been commenced against him by any written contract or agreement to that end, did accordingly cause notice to be given to the said Raja,

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that he was not subject to the jurisdiction of the supreme court of judicature, nor bound to obey its process; and on the 30th of November following your petitioners received information that the writ of Capias had been returned unexecuted, and that a writ had since been ordered to sequester the lands and effects of the said Raja, and to compel his appearance, and that, to enforce the execution of this last writ, the sheriff had dispatched a considerable force to Cossijura, consisting of peons, sepoys, and European sailors, all completely armed, and instructed to use force for the execution of the process, and even to fire upon any person who should obstruct it. Hitherto the powers of government, vested in your petitioners, had never been employed in relation to the supreme court, but in aid of its authority; they now found themselves reduced to the painful necessity of opposing it, to assert their own civil and military rights, to guard the property of the united East-India Company, and eventually that of the British nation, in these provinces, from impending danger, and to yield their protection to the country and people which were placed under the government of your petitioners, from the controul of a foreign law, and the terrors of a new and usurped dominion. Impelled by these considerations, your petitioners ordered a military force to apprehend the sheriff's officers who had been employed to execute the writ of sequestration, with all their followers. This was effected accordingly; and the whole body, consisting of 86 men, armed and arrayed, were made prisoners, and brought to the presidency, where the first purpose of your petitioners having been thus accomplished, they were, by an order of your petitioners, immediately released. It appeared, that in the execution of the writ the apartments allotted to the female part of the Raja's family, which are ever held sacred in this country, were forcibly entered, his temple broke open and polluted, and the image of his worship thrust into a basket, and deposited with mixed lumber, under the seal of the court. Such acts are accounted instances of the grossest violation and sacrilege, according to the principles and persuasions of the inhabitants of these provinces, and have been never known to have been authorized with impunity by the most despotic of their Mahometan rulers. It is to be lamented that such a reproach should have fallen on the professors of the mild

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and benevolent dictates of the Christian dispensation; not as the effects of a wanton abuse of authority, but as the necessary and unavoidable operation of a foreign law, in the barbarous attempt to force it on a conquered people. The judges of the court, enraged at this resistance of their authority, have declared their resolution of inflicting exemplary punishment on all persons concerned or suspected of having been concerned in it. With an undistinguishing vengeance they have ordered attachments to issue against the military officer, whose duty it became to execute the orders of your petitioners, on Mr. Naylor, the Company's attorney, and on Mr. Swainston, a servant of the United Company, whose only offence appears to have been an unfortunate curiosity, which led him to be a spectator of what the court had termed a rescue; your petitioners have granted to their military officer the protection of the troops with which he is stationed against any attempts which may be made to arrest him. The other two named persons have been thrown into the common gaol, and Mr. Naylor required to answer to interrogatories, such as your petitioners believe to be most repugnant to the wise and humane spirit of the English law, and never before practised but in the courts of inquisition, being filled with suggestions of criminal accusations against persons unnamed, and exacting the violation of his public fidelity, by revealing the confidential instructions of his employers and clients, and the most sacred ties of society, by divulging the secrets of private conversation on general undefined and unapplied questions. Cos-sinaut Bobboo, the plaintiff in the cause against the Raja Soondernarain, by the advice, as your petitioners are well informed, of the court, has lately instituted a suit against your petitioners, and your petitioners have been severally served with summonses to appear and answer to the same, but have refused to appear, both because they conceive themselves not to be answerable in their own persons for acts done by them as governor general and council, and because the plaint which was filed against them, is founded on their resistance to the unlawful acts of the judges of the supreme court of judicature. Such hath been the progress of this unhappy division, and such is the present state of it. What the consequences may prove, your petitioners cannot foresee; but are morally certain, that nothing but

a determined and unshaken perseverance on their part, in the line which they have marked out, can save these provinces and the interest of the united East-India Company, and of the British nation, which are inseparably connected with them, from the danger of utter ruin; and that your petitioners are informed, that many other suits or actions have been commenced in the supreme court against other zemindars of these provinces; such, for example, as the Rajas of Tirhoot, Deenagepoor, and Beerbhoom, men of high rank, and the descendants of ancestors not very remote, who commanded armies, and possessed the rights of sovereign dominion over the reits or vassals of their respective zemindaries; that all the zemindars of these provinces, and the abovenamed more especially, are indebted in enormous sums, far exceeding, as your petitioners believe, the amount of the whole annual revenue of these provinces, for debts mostly accruing from extorted donations, from the usurious and accumulated interest of many years, and from other means which are equally contrary to the laws of England and to their own, but capable of being established in an English court of law, by existing bonds or other written agreements; that, besides the injustice of subjecting the said persons to a foreign law, with the forms, process, and language, of which they are unacquainted, they would, by such a controul, be wholly emancipated from the government of your petitioners, and their revenues lost to the united East-India Company, and to the British nation, since it would be impossible for your petitioners to exercise any authority over them while they were under the actual and superior controul of the supreme court; and the decrees of the said court being absolute, and admitting of no qualification, would always take place of the claims of your petitioners in behalf of the united East-India Company, and, by the terrors annexed to them, would be even preferably obeyed by the zemindars themselves, and in many cases serve by collusions or other easy means as a pretext to screen them from the authority of your petitioners; and that, by such effects, the whole revenue would be lost to the united East-India Company, and to the British nation: that the consequences, which your petitioners have above described, as likely to result from the extension of the jurisdiction of the supreme court of judicature to the zemindars of

these provinces, would prove at this time the causes of others yet more alarming, inasmuch as your petitioners are charged with the defence of these provinces, in which they possess a precarious dominion of a few over millions, a dominion established by the mere influence of opinion and a long season of domestic peace, but at this time assailed with many surrounding dangers, in the share which it participates with the rest of the British empire in a war with the most powerful states of Europe, regarded with a jealous eye by all the nations of Indostan, and at this time engaged in a war with the first in power and consequence amongst them: that the loss of the whole, or any considerable failure in the revenue which the united East-India Company derives from these provinces, would be certainly followed by that of their existence in them, as your petitioners do at this time maintain a large military force in the pay of the united East-India Company, which would be excited to mutiny and revolt whenever your petitioners were no longer able to pay it; and that such an event, besides its immediate danger, would occasion an invasion of these provinces, a calamity which your petitioners are warranted to foretel by the like effect of a like cause which actually happened in the year 1764; and that your petitioners being in such a case, deprived of the means of resistance, these provinces, and the British dominion in India, must fall a certain sacrifice to the ultimate effects of the exercise of an impolitic, unnatural, and lawless authority; that your petitioners are also of opinion, that the attempt to extend to the inhabitants of these provinces the jurisdiction of the supreme court of judicature, and the authority of the English law, and of the forms and fictions of that law, which are yet more intolerable because less capable of being understood, would be such a constraint on the minds of the people of these provinces, by the difference of such laws and forms from their laws, habits, manners, and religious principles, which, under every successive constitution of the former governments have been respected and supported, as might inflame them, notwithstanding the known mildness and patience which constitute their general character, to an open rebellion, less indeed to be apprehended in a time of peace, but certain in the event of an invasion; and that such an evil occurring, in addition to the others already described, would add

to the national calamity and national reproach of having deservedly incurred it: that your petitioners have judged it advisable to resort to the means of open resistance to the acts of the supreme court of judicature on this first occasion, to prevent the example from spreading, by the encouragement which would be given to artful and rapacious men, under the instruction of the attornies of the supreme court of judicature, and the loud invitations of the judges themselves, to commence other actions against the other zemindars of these provinces, your petitioners being convinced, that such would be the effects of allowing the judgment of the supreme court of judicature to operate on your petitioners, and equally certain, that the mischief will be, in a great measure, suppressed by defeating the ends of it, and precluding the hopes of gain in the prosecution of it; that, therefore, your petitioners have resolved, that they will not suffer any judgment which may be given against them in the present cause to be carried into execution against either their persons or their property, deeming this a case of extraordinary urgency, which requires them to assume a dangerous personal hazard and responsibility for the defence and preservation of the property and interests of the united East India Company, and of the British nation collectively in these kingdoms: that, in the preceding instance, and in the protection which they have given to their military officer, who was employed to apprehend the armed force sent by the sheriff against the Rajah of Cossijura, your petitioners are aware that they may be deemed to have offended against the strict form and letter of the law, and are apprehensive that other cases will multiply, which will oblige them to have recourse to the same means of defence, if the judges of the supreme court of judicature shall persevere in the course which they have begun; but your petitioners hope, that a due allowance will be made for the necessity under which they act, which leaves no alternative but public ruin, if they submit to the jurisdiction assumed by the supreme court, or personal ruin if they oppose it, and are to be made liable to the same penalties which would attend the resisting a lawful jurisdiction; and that it will be considered, that as the constitutional and discriminating lines by which the wisdom of parliament hath marked the system of government in this king-

dom, have been broken by the judges of the supreme court of judicature, and as a resistance to that violence has been a necessary obligation on your petitioners in the first instance, all the irregular and extraordinary acts which such resistance may draw after it ought to be imputed to the first aggression, as the primary and efficient cause of them; that your petitioners do not presume either to pray for a remedy to the evils of which they have complained, nor to point out the means by which, in the opinion of your petitioners, such a remedy might be obtained and applied, the former being, as they conceive, the proper concern, and the exclusive province of the united East India Company, and the latter depending only on the wisdom of the British parliament; that the design and prayer of your petitioners is, and your petitioners do accordingly most humbly pray, that they, and all others acting under their authority, may be indemnified against all the legal consequences of their proceedings in the cases herein above recited and suggested, and that an act of parliament may be passed for that end; that your petitioners, being freed from every personal concern, and from the vexations and anxieties incident to their present condition, may devote their whole time, attention, and labours, to the discharge of their prescribed duty, and to the advancement and prosperity of the great national interests committed to their charge."

A Petition of John Touchet and John Irving, agents for the British subjects residing in the provinces of Bengal, Bahar, and Orissa, and their several dependencies, whose names are subscribed to the Petition hereafter set forth, was presented to the House, and read; setting forth, "That the petitioners have received the copy of a petition, certified, by a notary public in Calcutta, at Fort William in Bengal, to be a true copy of an original Petition to this honourable House, signed by 648 of the British subjects residing in the provinces of Bengal, Bahar, and Orissa, and their several dependencies; which copy, so authenticated as aforesaid, is in the words following:

"To the honourable the Commons of Great Britain in Parliament assembled.

"The humble Petition of the British subjects residing in the provinces of Bengal, Bahar, and Orissa, and their several dependencies, sheweth,

"That your petitioners, labouring under the weight of many and great grievances, know not where to apply for relief with so much propriety and confidence as to the Commons of Great Britain in parliament assembled, the great guardians of the liberties and properties of British subjects.

"That your petitioners humbly conceive, there are certain rights inherent in Englishmen, and confirmed by the most sacred acts of the legislature, which no power on earth can legally deprive them of, where the laws of Great Britain are in force.

"That your petitioners observed, with the deepest concern and affliction, that, at the passing of the Act of the 13th Geo. 3, intituled, 'An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India, as in Europe,' and previous to it, very erroneous reports had been propagated, and injurious ideas entertained, of the principles and practices of the British subjects residing within these provinces; from which it was inferred, that they required more rigorous restraints and coercions than have been usually imposed upon Englishmen.

"That your petitioners, knowing such reports, when applied to the community, to be void of all foundation in truth, did flatter themselves that time, better information, and their own loyal and obedient conduct, would have convinced their enemies, and the whole English nation, of the injustice and cruelty of these suppositions, and have excited the known candour of the British parliament to frame, in their wisdom, such ordinances and regulations as were better adapted to the real circumstances and situation of your petitioners.

"That your petitioners have, for some years, vainly flattered themselves with this expectation; and now find, to their unspeakable sorrow, that their dutiful submission appears only to have encouraged the justices of the supreme court to proceed step by step in reducing them to the most grievous distress, till your petitioners have, in fact, been put out of the law by a declaration from the bench on a solemn occasion, that the act of parliament above recited was not intended for the security and protection of the whole, but for the immediate protection of a part of the inhabitants of these provinces.

"That your petitioners humbly con-

ceive, that the trial by jury, in all cases where it can be granted, is one of those inherent, unalienable, and indefeasible rights, of which neither time nor circumstance can deprive a British subject living under British laws; yet the justices of the supreme court of judicature in Bengal have, by the actual or assumed powers of a charter granted under an act of parliament, refused to allow your petitioners the benefit of this sacred bulwark of their freedom, except in criminal cases, thereby, as your petitioners apprehend, acting in direct contradiction to the late act of parliament, to the fundamental law of the land, and the great charter of British liberties: this grievance, so insupportable, must come home to the breast of every Englishman, and none will feel it more sensibly than the enlightened members of a British senate.

“ With all due submission to the will of their most gracious sovereign, and with the most loyal and sincere affection for his person, family, and government, your petitioners humbly apprehend, that neither letters patent nor any other grant be valid, if made contrary to the known law of the land; yet the said justices, acting under letters patent, assume a power not only to fine and imprison your petitioners, but to decide on all actions for damages for personal wrongs, both determining the fact, and assessing the damages to any amount, at their own discretion, thereby taking to themselves an uncontroled dominion over the persons and property of your petitioners, to the great fear and imminent danger of all British subjects.

“ Your petitioners humbly conceive, that in all subject states, but more especially in one so remote from the seat of empire, where the disproportion between the governing power and those governed is so great as to make the present safety and future permanency of the dominion itself depended entirely upon the precarious tie of ideal superiority, that all possible tenderness and caution should be used, to prevent that opinion being weakened or destroyed, or the authority or reputation of the government lessened, lest the multitude should be encouraged to put themselves on a level with their rulers, and lose that idea of their superior power by which alone they are held in subjection; but, to the great mortification and alarm of your petitioners, they see the respect and veneration which the natives have heretofore manifested for the government daily decreasing, owing, as your petitioners verily

believe, to the extension of the authority of the court acting independent of the government to persons and cases where they conceive it never was the intention of the legislature to allow them to act, a spirit of contempt for its authority and for Europeans in general heretofore unknown, diffusing itself among the natives, which, if not restrained in due time, must terminate in disaffection and resistance, and ultimately occasion the destruction of the British subjects residing in these provinces, and the loss of these valuable dominions to the crown of Great Britain for ever.

“ That your petitioners, entertaining the most perfect conviction of the truth of these observations, suggested by the resistance shewn to the authority of government in various parts of these provinces, and by the late daring tumult, heretofore unprecedented, which happened in open day in the capital, and at the entrance of the seat of judicature itself, offer them with submission to your most serious consideration.

“ Your petitioners have been informed, and believe, that *ex post facto* and retrospective laws are contrary to natural justice, incompatible with the laws of England, and irreconcilable to the feelings of a British parliament, and that they are held in abhorrence by the nation; that, if these principles are admitted in England, and acknowledged to be productive of the most fatal consequences, they must apply still more forcibly to a subjected country, situated at the distance of half the globe, where the manners, customs, laws, and prejudices of the people, differ so widely from those of the governing nation; your petitioners appeal to the humanity of the British parliament, to reflect on the innumerable hardships which must ensue, and the universal confusion which must be occasioned, as well to personal rights as to public and private property, by giving to the voluminous and intricate laws of England a boundless retrospective power in the midst of Asia, and by an application of those laws, made for the freest and most enlightened people upon earth, the principle of whose constitution is founded in virtue and liberty, to transactions with the natives of India, who have, from time immemorial, lived under a despotic government, established on fear and restraint: and your petitioners most earnestly call upon you to consider what must be the fears, what must be the terrors, of indivi-

duals, to find their titles to property, their transactions and engagements with natives previous to the establishment of the court of judicature, tried by the standard of English law, and by men educated under its forms, and unavoidably imbibing its prejudices, when no such laws could be known to or practised by natives or Europeans then residing in the country, and at a time too when few or no persons of legal knowledge were in the country to assist or advise them.

“Your petitioners humbly conceive, that no tyranny can be more dreadful in its operations, or more fatal in its consequences, than that a court, established by law, with all the authority of one of the first courts in England, should also possess undefined powers and jurisdiction, of which the judges of it are the sole interpreters, and under no controul but at the immense distance of the mother country; yet such is the situation of your petitioners, they are placed within the reach of this two-edged weapon, surrounded with the toils and pitfalls of the law in a country where perjury is almost a profession, unknowing where they may rest in safety: for the judges of this court can at pleasure determine on the denomination of a civil injury, the degree of its criminality, by what statutes it shall be tried, what penalties shall be inflicted, and who are, and who are not, amenable to the jurisdiction of the court. The judges have declared, that they are, by the charter of justice, empowered to moderate the laws of England by the customs of this country; but their information respecting these customs can only be obtained from such witnesses as appear before them, and it is in the breasts of the judges to admit or reject what evidence they please. This power had filled your petitioners with the utmost terror and dismay; if it had remained with a body of jurors, acquainted with the language of the natives, informed as to their customs, and bound by oath to decide with truth and justice, there would have existed no foundation for either.

“Your petitioners perceived, with heartfelt satisfaction, that the said Act had provided some barrier against oppression, by authorizing an appeal from the decrees of the supreme court to his Majesty in council, which his Majesty has also been most graciously pleased to recognize in his charter of justice; but the hopes of relief, raised upon this foundation, vanished from before us, when your petitioners found that the judges of the court had not only taken upon themselves to make and alter

the rules of it, but that they could receive or refuse what evidence they thought proper, and that the appeal could only be heard under these rules, and upon the evidence recorded during the trial, removed at such a vast distance from the tribunal of justice, before an unjust or illegal sentence could be reversed, the sufferer might fall a victim to penury, or perish by imprisonment: but, from an appeal under such circumstances, what redress can your petitioners obtain?

“Your petitioners entertain all becoming respect for the authority of the charter of justice, and the utmost reverence for their sovereign, whose sanction it has received: yet they cannot but observe, that, by the powers delegated in this charter, men are constituted the judges of their own acts, which appears to your petitioners highly improper and inconsistent: for the judges of the supreme court in Calcutta are impowered to sit also as a court of chancery, and in this capacity to revise, correct, rescind, or confirm, decisions passed by themselves whilst acting as judges in a court of law; and by another part of their institution, they possess the power, and they alone, of staying execution in criminal cases, till his Majesty's pleasure be known. There is a principle in human nature which inevitably impresses a bias upon the mind in favour of its own decisions, and experience has decided that reason and philosophy are too weak to restrain it; but in all well-regulated communities, when the consequences of any principle are foreseen, or found to be fatal, the wisdom of the legislature interposes, to check its operation. Your petitioners have the most perfect conviction, that the possible evils of this power did not occur to their most merciful sovereign when his approbation was conferred to the charter of justice, and that they require only to be pointed out to ensure redress.

“Your petitioners with all deference, conceive that there must be some fundamental error in that institution, which requires a more than ordinary degree of temper, ability, and integrity, to carry its purposes into execution; and they do not hesitate to declare, that to administer the power appertaining to the institution of the supreme court without extensive public detriment, and partial acts of private severity and injustice (if it be possible at all), requires more equity and moderation, discernment and enlightened abili-

ties, than they can hope to find in any men. To what extent the judges of his Majesty's court may possess those qualities, your petitioners do not pretend to decide, and still less to assert that they do not possess them at all; but they complain of the jurisdiction, of the untrouled unlimited powers, with which the court is vested, and with the execution of which no men are to be trusted.

"Your petitioners can bear distress like men, but they must also feel like men, and speak these feelings like Englishmen. If the language of complaint is warm, let it be attributed to the dread of future injuries, from a keen sensibility of what is past. Your petitioners claim a trial by jury as their birth-right; and they solicit to be relieved from the other great grievances they labour under. To a British House of Commons they appeal, with the firmest reliance on its wisdom, justice, and humanity; and in appealing to such a tribunal, they perceive their apprehensions yield to the most flattering hopes of a speedy redress.

"Your petitioners therefore humbly pray, that you will be pleased to take into consideration the following requests:—

"To grant a trial by jury in all cases where it is by law established in England.

"To limit the retrospective powers of the court to the time of its establishment in Bengal.

"To define, beyond the power of discretionary distinction, the persons who are and who are not amenable to the jurisdiction of the court.

"To declare what statutes shall, and what statutes shall not be in force in Bengal.

"To direct and circumscribe the power of the court in the admission and rejection of evidence, so as that all rejected evidence may accompany the appeal by way of affidavit or otherwise.

"To appoint distinct and separate judges for the law and equity sides of the court.

"To restore the ancient and constitutional power of hearing appeals in the first instance, to the supreme authority in this government formerly vested in the president and council, and now vested in the governor-general and council.

"To lodge a power of staying executions in criminal cases, till his Majesty's pleasure be known, in the governor-general and council. And your petitioners shall ever pray."

Ordered to lie on the table.

Debate on General Smith's Motion for a Committee on the Petitions against the Supreme Judicature of Bengal.] Feb. 12. The preceding petitions being read,

General Smith spoke as follows: Mr. Speaker, it is not my intention to make any apology to the House for calling its attention to the petitions now read. The subject is too important to require it, but I am very free to declare, that on this occasion, no personal motives whatever influence my mind; I disclaim every idea of personality; I am impelled by motives of justice and humanity, to give such a representation of facts, as I trust will make their impression upon the members of this House, and from thence will appear the absolute necessity of coming to some speedy determination relative to the very distracted state of our government in Bengal and its subordinate provinces.

Before, Sir, I enter into the present state of the jurisdiction of the supreme court of judicature, it may be necessary to describe what was the state of jurisdiction in Bengal, before the supreme court was established. The mayor's court of Calcutta decided all causes of *meum* and *tuum*; it consisted of a mayor and nine aldermen, appointed by the governor and council, from the inhabitants of Calcutta; they were appointed for life, unless for misbehaviour, &c. and then they might be removed, but any alderman so removed had his appeal to the King in council. I believe the decisions of that court were in general very upright. The very few appeals from it serve to confirm me in my opinion. The chief justice, on the opening of the supreme court of judicature, paid many high compliments to the decisions of the mayor's court, then to be abolished. The sessions of oyer and terminer were held by the governor and council as the King's justices; I believe I may safely say, that their conduct as judges was without reproach; they decided upon all occasions to the best of their judgment, and justice was ever tempered with mercy. In the internal provinces, courts of Adawlet and Phousderry were established, when the civil and criminal jurisdiction was exercised betwixt native and native, subject to the controul of the provincial councils, and from whose decisions, if any person thought himself injured, he might appeal to the governor and council of Fort William, who by the charter were invested with the supreme authority.

This was the state of the respective jurisdictions in Bengal, when the supreme court of judicature, instituted by virtue of an act of parliament of the 13th year of his present Majesty, was opened in Calcutta. It is impossible, Sir, to speak of the establishment of that court, and pass over in silence the first remarkable judgment; I mean the case of the Rajah Nundocomar. I do not mean to enter fully into the merits of this extraordinary case, I have my own decided opinion upon it; but Rajah Nundocomar was indicted for forgery, a forgery committed many years before the establishment of the supreme court of judicature; he was found guilty, condemned, and executed.* Let us compare the conduct of the judges of the supreme court with that of the governor and council sitting as justices, in 1762.

Radachum Metre, a Gentoo inhabitant of Calcutta, was tried for a forgery, found guilty and condemned; the Hindoo inhabitants of Calcutta presented a strong petition to the governor and council, stating, that by their laws, forgery was not a crime to be punished with death; the terrors which every inhabitant of that country would be under, if the laws of England, which were contrary to their laws, customs, and religion, should operate so as to affect their lives, and therefore most earnestly requesting the governor and council to suspend the execution of the sentence, and to recommend Radachum Metre to his Majesty's royal clemency. The governor and council wisely complied with the prayer of the petition, and thereby gave his Majesty an opportunity of exercising the brightest attribute of his crown, by extending his royal mercy; and a pardon was granted.

Now, if there ever was any one case more peculiarly fitting to be submitted to his Majesty's decision than another, I do conceive it to be the case of the Rajah Nundocomar; a man who had been the prime minister of that country, a man of very high rank, with respect to his particular cast; condemned for a crime committed so many years before the establishment of the supreme court, and upon an act, that it has been said, does not extend to the East Indies; add to this, that the principal evidence against him was a man of notoriously bad character. If to all these circumstances, we keep in our re-

membrance, that it was the first remarkable sentence since the establishment of the supreme court of judicature; I do conceive it would have been highly just, as well as politic, to have given his Majesty an occasion of exercising his judgment, and in that case I have not a doubt, but the Rajah Nundocomar would have experienced the same royal clemency as was extended to Radachum Metre. The execution of Nundocomar will, I hope, point out the absolute necessity of granting an authority to the council of state, to respite any sentence of death passed by the supreme court, until his Majesty's pleasure shall be known.

Sir, the petitions on the table complain of an extension of the jurisdiction of the supreme court of judicature, beyond what they are empowered to exercise by the act or by the charter. I have read the charter with attention, and I have diligently perused the records of the Company. I am convinced, that it never was the intention of parliament, when the Act was passed, to subject the native inhabitants of Bengal, &c. to the British laws. Peruse the Act, and see how very cautiously it is worded. The supreme court are absolutely restrained from exercising jurisdiction over the natives, unless they each shall sign an agreement to submit to the jurisdiction of the court. British subjects and others, directly or indirectly, employed in the service of the Company, or of any of our subjects, are the only objects of the jurisdiction of the supreme court. From the judges construction of who are employed, directly or indirectly, has arisen all these disputes which have been carried to such a length, that the governor general and council have thought it necessary to interfere, and place a limit to the jurisdiction of the court, and then to appeal to parliament by petition for an act of indemnity.

To convince this House of the intolerable hardships which the inhabitants of Bengal now labour under, from the assumed jurisdiction of the court, I shall beg leave to state some very striking instances. The first happened in the province of Dacca. Dacca is a province remarkable for the flatness of its surface, and when the periodical rains set in, it was not uncommon for the torrents which poured down with great rapidity from the mountains to the eastward to overflow the banks, and sometimes to force a new channel for the river. It so happened, that this circum-

* See Howell's State Trials, Vol. 20, p. 923.

stance occurred not long since. As soon as the rainy season subsided, the Rajah through whose possessions the river had formerly flowed, cultivated the old bed, and by proper means prepared it for agriculture. At the same time, another Rajah sent his men to plough and sow part of the same spot. When the time of harvest came, they both assembled an armed force to collect the crop; some people were killed on both sides, and the harvest was reaped by him who first began to cultivate. A complaint was made to the provincial council of Dacca. The cause was in hearing. The Rajah who had been the aggressor, finding that he could not support his pretensions in the country court, applied to the supreme court at Calcutta: and upon a simple affidavit, warrants were granted against two of the principal officers of the Rajah who reaped the crop, to apprehend them as murderers. They were apprehended and brought to Calcutta very soon after the assizes; the counsel for these prisoners offered bail; no bail was accepted; they were loaded with such heavy irons, that the counsel represented there were apprehensions of a mortification. After five months confinement, the assizes were held. The prosecutors were not prepared for trial. Bail was again offered, but not admitted. After twelve months imprisonment, they were brought to trial; the counsel for the prisoners, upon the cross examination of the very first evidence called on the part of the prosecution, clearly proved, that these two unhappy men were not within the jurisdiction of the court; no other evidence was examined and they were of course discharged. I mention these circumstances with more confidence, because that very evidence, and the learned counsel who defended the prisoners, are at this time members of this House. I shall only add on this subject, that on application to the supreme court for redress and reparation, the judge declared he could give no redress nor reparation, because the prosecutor was not within the jurisdiction of the court. The Rajah, who defended the cause of his servants, declared that the defence cost him near 3,000*l*.

The next instance which I shall state, is what relates to the Patna cause, but as the publication of all those proceedings is intended, I shall state it briefly. Shah Abas Beg, a Persian, who had formerly served in our armies with some reputation,

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dies at Patna; he leaves a considerable property; his widow and his nephew claim the inheritance; suits are preferred to the provincial council of Patna, who issue an order to the cazies and mufties (who are the expounders of the Mahomedan law, and receive a monthly stipend as a salary of office) to examine into the allegations, and to report according to their laws and usages. The cazies and mufties make their report, that by their law, the nephew as heir, is entitled to three fourths, and the widow to one fourth of the effects of the deceased. The provincial council make a decree in consequence, and order it to be carried into execution. The widow was not satisfied with the decision. The mufties report to the council, that she throws impediments to the execution of the decree; the provincial council enforce their order, and after some few days the widow appoints a vaqueel or agent to act for her, and the decree is executed. The widow, not pleased with the decision of the provincial council, applied to the supreme court at Calcutta, not by way of appeal, for appeals could only be brought before the governor general and council, but I believe, obtained writs of trespass against the Mahomedan doctors of the law, and the nephew. It being a bailable offence, the governor general and council, thinking their authority invaded, ordered the provincial council of Patna to give bail for the appearance of the cazies and mufties, being the Mahomedan law officers of government, and the provincial council entered into recognizances for 36,000*l*. At length the cause was tried by the supreme court of judicature. Behadar Beg, the nephew, pleaded not subject to the jurisdiction; his plea was overruled, because he was, or had been a farmer of land under the Company, or security to a farmer. The Mahomedan doctors of law stated, that they acted under the appointment of the president and council; that it was usual and customary to decide causes betwixt Mahomedans by the Mussulman law; that they thought themselves legally authorised to give opinions, and to obey the perwannah or orders of the provincial council of Patna. They also stated the powers of the present governor-general and council, given by act of parliament, and that the governor-general and council, continued to intrust the administration of justice in the Bahar province to the provincial council, and to suffer the Mahomedan doctors to exercise

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the powers before described. The judges of the supreme court decide, that the proceedings of the cazies and mufties were illegal, because they acted by the authority of a council, which council possessed only a delegated authority, and which they could not possibly delegate to others, quoting it as an established maxim in the law, that "*delegatus non potest delegare*:" upon this principle, judgment was pronounced in favour of the widow against Behadar Beg, the mufties, and cazies, and damages decreed to the amount of 30,000*l*. In consequence of this judgment, the provincial council of Patna gave up the parties. They were sent down prisoners to Calcutta, a distance of 400 miles. The cawzie sunk under the weight of his misfortune, and died on the road. The others were not so happy. They survived their journey, only to be sent to the common gaol, sentenced to perpetual imprisonment, for in such light I must regard it, since from the excessive damages decreed, it is impossible they should be ever liberated, unless by the interposition of the British legislature. This, Sir, is another of the blessed effects of the transported laws of freedom.

I come now, Sir, to the third instance, and which has been the immediate cause of the petition to this House, from the governor-general and council of Bengal. The Rajah of Cossijurah is the most considerable and most ancient zemindar of the district of Midenpoor. Cossinaut Baboo, his relation, and a considerable merchant of Calcutta, had been for many years the Rajah's security for the payment of his revenues. Some disputes arise between the Rajah and his security, on the adjustment of their accounts. Cossinaut makes a balance due to him of 15,000*l*. and applies to the governor-general and council for their assistance to recover his debt. They send this account to the Rajah and desire an explanation, who produces an account on his part, which makes Cossinaut his debtor. Cossinaut, not satisfied with the proceedings of the governor-general and council, and deeming the process of the supreme court of judicature a more efficacious mode of obtaining his balance, obtains a writ against the Rajah. The governor and council-general were alarmed at this proceeding of the supreme court, because they conceived it to be an extension of jurisdiction not granted by the charter. They took the advice of their advocate-general, and for the reasons

assigned in their petition, determined to interpose that authority with which they were invested by parliament. The Rajah of Cossijurah, terrified at the idea of being subjected to the jurisdiction of a court, whose laws and language were to him totally unknown, orders his vaqueel or agent to adopt the necessary measures. He, the vaqueel, applied to an attorney, with an intention to plead, that the Rajah was not subject to the jurisdiction of the court. The vaqueel was also ordered to learn from the governor-general and council, in what manner the Rajah was to conduct himself in this extraordinary dilemma. The governor-general and council positively direct him not to admit of any writ being served on him, and to declare that he was not amenable to the jurisdiction of the court. A sheriff's officer with some armed men are sent to the Rajah's fortress to execute the writ. The Rajah summons his dependants, and the sheriff's officer is informed, that no writ from the supreme court can be executed there, the Rajah not being subject to the jurisdiction of the court. The bailiff takes post in a gateway, and sends intelligence to the sheriff of Calcutta, of his inability to execute the writ. A reinforcement of 16 European seamen, and 60 natives, all armed with muskets, pistols, swords, &c. is sent to the assistance of the bailiff. As soon as the governor-general and council were informed of such a force being sent to execute the writ of the supreme court on the Rajah of Cossijurah, they sent their orders to lieut.-col. Auchmuty, who commanded a military station in that neighbourhood, to detach two companies of seapoys to the assistance of the Rajah, and to take prisoners all persons who were employed with or under the orders of the sheriff's officer. But the reinforcement to the sheriff's officer had enabled him to execute his writ of sequestration on the lands and property of the Rajah, to the amount of 30,000*l*. I shall not at present enlarge upon the mode and manner in which this writ was executed; I shall only observe, in the very words of the petition, "That in the execution of the writ, the apartments allotted to the female part of the Rajah's family, which are ever held sacred in this country, were forcibly entered, his temple broke open and polluted, and the image of his worship thrust into a basket, and deposited with mixed lumber, under the seal of the court. Such acts are accounted instances of the grossest

violation and sacrilege, according to the principles and persuasions of the inhabitants of these provinces, and have been never known to have been authorised with impunity by the most despotic of their Mahomedan rulers." And to this I must add their comment: "It is to be lamented that such a reproach should have fallen on the professors of the mild and benevolent dictates of the Christian dispensation, not as the effects of a wanton abuse of authority; but as the necessary and unavoidable operation of a foreign law, in the barbarous attempt to force it on a conquered people." Soon after the writ of sequestration had been executed, the detachment from colonel Auchmuty's camp arrived under the command of lieut. Bunford, who takes prisoners without bloodshed, the whole party that supported the sheriff's officer. An account is sent to the governor general and council, of the execution of their orders: the whole party are sent prisoners to Calcutta, and on their arrival there are set at liberty. The supreme court were incensed at this resistance to their authority, but as the governor general and council were placed by law above their jurisdiction, they appear resolved to shew the utmost extent of their displeasure against all those who obeyed the orders of the council. They commit the attorney of the Company (Mr. Naylor) to gaol, and twenty interrogatories are made to him whilst in prison, to disclose the secrets of his clients, the governor general and council, on behalf of the India Company; interrogatories, that are equal to the spirit of any inquisition in Europe.

A writ is issued against lieut. Bunford, who commanded the detachment sent to the relief of the Rajah of Cossijurah; the governor general and council send their positive orders to lieut. col. Auchmuty not to suffer any writ to be executed in his camp upon himself or any other person whatsoever, for the execution of their orders relative to the Rajah of Cossijurah. Auchmuty forms a line of centinels round his camp, with orders that no stranger whatsoever is to be admitted. An officer from the supreme court arrives with the warrant; he is stopped at the advanced post; he sends his name, and delivers a copy of that clause of the charter, which commands all officers, civil and military, to be aiding, assisting, and obedient in all things to the supreme court, as they will answer the contrary at their peril. The

officer of the supreme court was ordered to depart from the camp, with this information, "that it was the orders of the governor-general and council, not to admit of any writ being executed for any act done by those who obeyed their orders, relative to the Rajah of Cossijurah."

From this detail of facts, the House will perceive the anarchy which now prevails in Bengal. What an alarming situation! The governor-general and council find themselves reduced to the indispensable necessity of actually employing military force to restrain the jurisdiction assumed by the judges of the supreme court, the foundation of whose authority is a British Act of Parliament. If these difficulties have arisen from different constructions of the Act itself, it is the strongest argument that I can urge for explaining and amending that Act of Parliament. The very idea of enforcing the laws of Great Britain upon the natives of Indostan, has, in my mind, something so incompatible with common sense, with justice and with good policy, that I cannot suffer myself to reason upon the subject. But, Sir, the disagreeable situation of upwards of 500 officers of the army in Bengal, demand our immediate attention; and I should think myself very much wanting in my duty to those gallant men who formerly served under me, if I did not embrace the most early occasion to relieve them from their embarrassment. As officers are now circumstanced, judging from what has already happened, no officer in Bengal can know the exact line of his duty. Contradictory orders are sent to him by the court of judicature, and by the governor-general and council. He is commanded by a clause in the charter to be aiding, assisting, and obedient in all things to the supreme court, as he will answer it at his peril. He is ordered by the governor-general and council, from whom he receives his commission, and who are appointed by parliament to govern the provinces, not to permit the writs of the supreme court to be executed. Disobedience to the one may be construed into a capital crime; disobedience to the other, may subject the officer to the severest sentence of a general court-martial. After this description, I conceive, it will be unnecessary for me to use any argument to enforce the propriety of entering immediately into the consideration of these matters. But, Sir, I cannot help saying, that I look with a very jealous eye upon any event that tends, in the most

remote degree, to weaken the principle of obedience in the officers of the army in India, to those from whom they receive their commissions: that army is instituted upon very different principles, than the armies of the crown. The members of this House are, perhaps, not well informed of the difference of the establishments. It is a delicate subject for me to speak upon; but in the service of the India Company there cannot exist the same powerful incentives which operate in the King's service: it has been construed as a compact between two parties for the performance of certain duties. The officers in that service have in general exceedingly well performed their part of the compact; but at a distance so remote from the parent state, and where the ties to obedience are not indissoluble, I lay it down as an invariable maxim, that the positive authority of those who grant commissions must not for a moment admit of any doubt whatsoever.

I have shewn some desire to bring on the consideration of the petitions without delay, and I will state to the House my reasons: a fleet is now on the point of sailing for India; I would wish that the first vessel which shall sail, after the receipt of those petitions, shall carry out the pleasing tidings that this House will take into their most serious consideration, not only the prayer of those petitions, but the state of Bengal, Bahar, and Orissa, as far as relates to the extension of the jurisdiction of the supreme court. Whatever may be the state of those countries, I am convinced, that when the governor-general and council, and the inhabitants in general, shall know for a certainty, that at length parliament has commenced a serious enquiry into their grievances, all contention will be instantly suspended. The judges will relax from their attempts to extend their jurisdiction, in expectation of such a clear, decisive line being drawn as shall mark out its future limits beyond all controversy; and, in short, that all orders of men will wait with just deference and respect to the decision of that power which alone can give them relief. I therefore humbly move you, Sir, "That the said petitions be referred to a committee: that the committee be a select one, and that it consist of fifteen members to be chosen by ballot."

Mr. Boughton Rouse. I rise, Sir, to second the motion of my hon. friend: and I feel a peculiar satisfaction in treading

the same path with him upon this matter, which is of such vast importance to the public interest; an occasion so competent to his abilities, and so worthy of his humanity. Actuated by the same principles, I have shared in his anxiety to bring it to a speedy discussion; confident, that when the wisdom of parliament is once seriously employed, we shall all see its importance, and all join heartily our endeavours to apply an adequate remedy to the several grievances now stated to exist in one of our most valuable possessions. As to myself, I should readily acquiesce in any mode of proceeding, which could substantially conduce to this salutary purpose. But, as the field we must enter upon is extremely wide; and the considerations to be taken in before any decisive plan can be adopted, are numerous and intricate; I am clearly of opinion, that no method will be so efficacious for bringing every necessary light before the eye of parliament, as that proposed by my hon. friend. By this channel of enquiry, records may be consulted, verbal testimony procured, and facts arranged, which will bring the whole business in a proper train for the House to proceed to a deliberate decision. My object is not to accuse individuals, but to afford a remedy to public evils.

Experience dearly bought, Sir, has instructed this nation, and this hon. House, not to be neglectful of the petitions and remonstrances of our fellow subjects, situated in distant parts of our widely extended dominions. Had we disregarded as factious, or frivolous, or ill-grounded, the petitions and remonstrances now lying upon our table, and which form the subject of this day's deliberation; the House of Commons would certainly have departed from its dignity and its justice. But I rejoice at this moment, to see a happier principle prevailing; and in the assurance it gives me, that we shall now proceed in this important business with moderation and steadiness, until we have established our Indian government upon such a footing as may be honourable to the nation, and productive of the great advantages which it is in the power of our discretion to ensure.

It is scarcely necessary for me to enlarge upon the vast importance of the subject now before us. That truth must strike forcibly upon every gentleman's mind, when he reflects, that we are about to decide upon the good government of a country, 150,000 square miles in extent: inhabited by various races and tribes of

men, who are diversified in their religion, usages, manners, and ways of thinking; nations, who were enlightened by science and legislation very long before our ancestors had emerged from barbarism. And every generous feeling of our nature will be excited, when we reflect, that the happiness of ten millions of our fellow creatures now lies at stake before us. The native inhabitants of Bengal and Bahar complain of the intolerable violation of their customs and religious observances, occasioned by the jurisdiction of English law courts lately instituted amongst them; such as was never made by former conquerors, and pray for the continuance of their ancient laws. Hand in hand with these complaints you have received remonstrances from a very large and respectable body of British subjects, residing in those countries, to whom we owe justice as our fellow subjects, and whose happiness and content deserve our serious attention, since it is upon them that we must in a great measure rely, for the good management, as well as security of that distant territory. Lastly, you have a petition from your governor general and council, acting under the sanction of parliamentary appointment; which states to you, that they have been driven to the necessity of employing military force to restrain the alarming extension of power attempted by his Majesty's judges; and praying therefore from this House an indemnity for the violent measures, which they conceived the exigency required for the security of that dominion, intrusted to their government.

All these distractions have arisen from an Act passed in the 13th of his Majesty. Whatever may have been the consequences, I am ready to acknowledge, that the regulations established by that Act were formed with the best intentions possible. Had but the judicial and executive powers of that country co-operated with temper and moderation in defining their several jurisdictions; and had violence been avoided where the law was dubious; much good might have resulted; and his Majesty's court might have been less obnoxious than it now is, to the East India Company, to those whom the legislature has intrusted with the administration, or, to those who live under its protection. The object of the Act was good, but the system it established was imperfect. I would beg leave to bring back to the recollection of the House, the general temper of things, under

which that Bill was passed. The House had been tired with very prolix inquiries made before two committees, who collected a great load of materials, and I must say, to their honour, of useful well-digested knowledge; and all parties were heartily glad to be rid of the subject, by adopting almost any measures they imagined might tend to prevent the abuses which had been complained of. At the same time the minds of men were heated by the representation of writers, who suggested falsehoods or exaggerated truths, to serve the purposes of faction and private revenge: a clamour prevailed against every man connected with the East Indies; and it was thought, that no coercion could be too rigorous or severe. Far be it from me to say, Sir, that there were not abuses in India! I venerate truth too sincerely to insinuate it. I wish there were none now! But I have always thought, Sir, people at that time were too hasty to believe that men born of respectable families, and educated like themselves, should discard every principle of morality the moment they felt the Asiatic sun. Because they saw some oppressive actions clearly stated, they were ready to think every one oppressive, which a competent acquaintance with that country and its customs would have shewn to be, perhaps, innocent in itself, or, perhaps, a necessary act of government. They did not recollect with sufficient candour, that conquest is the offspring of violence; that sudden conquest must always occasion some oppression, some injustice, some rapacity, and rapid acquisition of wealth to its conductors; that victories are gained in a moment, but settled government must be the result of time and progressive knowledge. In short, Sir, after submitting these ideas, which I do with the utmost deference, to the better wisdom of the House, I will not scruple to say, that in the mode of applying a reform, parliament was precipitate, and individuals were intemperate. It was the expectation of many good men, that an English court of law with superior powers would completely rescue the native inhabitants from oppression, and excite the gratitude of that people for so great and acceptable a present.

Now let us look to the result, Sir. I fear the picture which Bengal now exhibits is precisely such as a few discerning men delineated before ever the judges left Great Britain. We see in that country a scene of universal discord: families

torn asunder by means of the encouragement which the practice of our English courts must unavoidably afford to a litigious race, as the inhabitants of Bengal are to a very high degree. The actions and dealings of men between one another, formerly done under those ideas of good faith and honesty, which for ages had regulated their conduct, were now to be tried by a new test of rectitude. Law, which should be the essence of justice, was to be distinguished as one mode of deciding upon the rights of men; equity, as another; a distinction which no linguist could interpret in any language of that country; and men were to see their lives and properties adjudged by retrospective laws. One of the first measures of that court is already pretty well known in England: I mean the hanging of Raja Nundocomar; a man of the first rank in the country, formerly prime minister to the sovereign prince of Bengal before the English conquered it, and a bramin, who inherited reverence by his birth amongst the natives; for an act committed many years before the court was instituted, and which the laws of the country do not punish with death. It is superfluous for me to say in this enlightened assembly, that forgery was not made capital even in England, advanced as we are in the arts and refinements of commerce, but by an Act of the late king, rendered expedient by the extension of paper credit, and other circumstances of that period. I have heard it said by able men, that this statute of forgery could not extend to India. I presume not to have a judgment upon so nice a point: but if it be so, then where does the death of that man lie? However, as to Nundocomar himself, Sir, he was a bad man; I knew him personally; his destruction may not have been a loss to the community; but the principle once established, see where the practice leads. Let the House figure to their minds, that numbers of others must have been capitally indicted for crimes which the Mahomedan law would only punish with stripes. The jurisdiction being once asserted, where can it stop? It is not, then, the fault of the judges; the fault is in the institution: English judges are bound by their oaths to judge by the laws of England; an English jury must find a verdict according to the customs of England, and sentence must pass. Thus, Sir, '*Animus meminisse horret, luctuque refugit*;' many may have suffered death for actions they

could not know to be liable to capital punishment: but, not being men conspicuous in rank, like Nundocomar, they have fallen unnoticed into eternity.

Then, Sir, mark the farther progress of this business. English bailiffs scattered like locusts over that fruitful country; inhabitants dragged down to a distance of 500 miles from their friends and families; their customs disregarded; their ancient distinctions, civil and religious, annihilated; the prince reduced to the level of his slaves; their houses disgraced; the sacred apartments of their women, whom even to behold is disgraceful to them, invaded by ruffians, armed with the warrants of the supreme court; their temples polluted; and their images, which had enjoyed the veneration of a timid superstitious people for a long series of generations, seized and desecrated by the touch of impure hands. I am bold to say, Sir, these outrages did not disgrace the government of their impetuous Mahomedan conquerors: but such are the blessings you have given to those numerous nations in your boasted English courts and laws! Who could imagine that such should be the effects, as my hon. friend has forcibly expressed it, of the transported laws of freedom?

It was naturally to have been expected, Sir, that the first object of that court should have been to conciliate the affections of the natives, by preserving with scrupulous regard their usages and inoffensive prejudices. Their rigour should have been exercised upon our own subjects, who infringed them, or who any way oppressed the people. But has the manner in which the court proceeded tended to conciliate their affections? Has it tended to place our benevolent and gracious sovereign in an amiable point of view to them? Has it tended to convince them, that the object which his Majesty's ministers, and which the nation laboured at, was to guard them from violence, and their customs from infringement? Indeed, Sir, I am not inclined to be forward in criminating any man; nor do I intend it: the judges, I doubt not, have acted upon principle, and as they thought the duty of their offices required of them. But these are matters of too much magnitude to be trifled with. The inhabitants are discontented, the country is distracted. I conjure the House, while it is yet in their power, to apply a speedy and efficacious remedy.

Let us now observe a little, Sir, how the power of the governor general and council, and the provincial courts of justice, have been affected by this new system. The court thought proper to annul the act of the governor general and council in the dismissal of their own secretary. They issued writs of Habeas Corpus, for the release of persons confined on account of arrears of rent, by any provincial councils or collectors acting under the orders of government, who were subjected to suits for damages of false imprisonment. A single instance, Sir, will illustrate my assertion. A person, who was a farmer of the public revenue, and at the same time treasurer to a district which paid an annual revenue of full 300,000*l.* sterling, was committed to custody by the provincial chief and council, who held the administration of the district under your governor general and council, to enforce payment of about 2,000*l.* sterling, arrears of rent, and about 4,000*l.* deficiency of cash placed in his hands. One of the judges granted him a Habeas Corpus, at the same time threatening the members of the council with attachments, if they should refuse to deliver up their prisoner. The Company's attorney pleaded to the return of the writ of Habeas Corpus, that the person had been confined by authority of the provincial chief and council, for arrears of rent, and deficiency of cash, as public treasurer. Upon an occasion, in which the government relied on the support of the judicial power, I believe, Sir, you will agree with me, that they passed a singular decision. The language of the bench, composed of the two junior justices, in their determination, was this: "We know not what your provincial chief and council are: You might as well have stated, that he was confined by the king of the fairies." I would not introduce such ludicrous language to the House upon so serious an occasion: but I recite *verbatim* from a written judgment, which I read, to shew the House in what degree the dignity and needful authority of that government, acting under the sanction of all the powers of this legislature, was sustained. Thus made an object of taunt and ridicule, was it wonderful, that their acts became inefficacious, or that their powers should be inadequate to the great trust reposed in them, for securing the public revenue, or administering justice amongst the inhabitants?

Next, Sir, all Europeans or natives employed in provincial courts, held by the Company's authority as dewan under the emperor for the civil administration of justice, were brought under the jurisdiction of the supreme court. Their competency was never admitted, although recognized by the 14th clause of the 13th of the King; their judicial orders were abrogated, and the members prosecuted as individuals for acts they had performed under the weight and sanction of magistracy.

Has the administration of justice in criminal matters escaped any better, which is conducted under the Subadar (or his deputy, the Naib-subah) that man of straw, as he was stiled by one of the judges, since dead, which I am sure good policy requires we should uphold? We have seen a case, in which a magistrate refused to exercise the functions of his office, in taking cognizance of an atrocious murder, because the English court had interfered with and degraded his office. Sir, we have seen the mansion of the first Mahomedan magistrate of one province broke open by a licentious rabble, and his brother shot by a sheriff's officer. We have seen in another, the whole body of Mahomedan doctors, as has been fully related to you by the hon. general, brought prisoners from a distance of 400 miles, and all, except one of them, who sunk in vexation and fatigue upon the journey, committed to the common English jail of Calcutta, where they still remain.

One assertion of authority was for some time suspended: but that we are informed has now been made; and it is a comprehensive grasp, indeed! All persons renting land or revenue of the Company, as dewan of those provinces, are declared within the jurisdiction of the court: which thus transfers all revenue causes from the exchequer courts of the government to an English court of law; and, unlike every other country upon earth, gives the state no preference above a private creditor. Nay, more; processes have issued against the zemindars, the hereditary nobility and landholders of the country; and it is imagined, that men, whose ancestors have led forth armies from their own lands, have exercised a civil and criminal jurisdiction, and who possess a tract of 10 or 12,000 square miles, will quietly submit to a destruction of all the honours and dignities, which are vested in them by the

constitution of the Mogul empire. The devotion of the inhabitants to their zemindars, many of whom are in truth more properly to be called tributary princes than proprietors of land, is such, that a general discontent amongst this class of men might excite revolt, or at least might deprive us of the regular payment of that revenue, which is the only support of our power.

To complete this scene of anarchy, Sir, the government instituted by the whole legislative authority of Great Britain, have thought they were reduced to the fatal extremity of employing a military force in opposition to the powers exercised illegally, as they conceived, and to the detriment of the state, by the court of judicature. The judges, on their part, have resolved to pursue vigorous measures for enforcing the authority they assumed. Whether there was, or was not, such exigent necessity, must be left for parliament to decide. I mean only to urge to you, Sir, that we must not procrastinate either in enquiry or decision. Civil discord has taken place; the powers of government are at war with one another; and it would not much surprize me to learn by the next advices, either that the supreme court has inflicted death upon the members of your government; or that your governor general and council have shipped off his Majesty's judges for Great Britain.

It may not be foreign from our purpose, Sir, to say a few words upon the manner in which other nations have governed their distant conquests. If we turn our eyes to Spanish America, we shall find, that every attempt suggested by the fanaticism or tyranny of the Spaniards, to introduce their own courts and laws, and to establish their power over the devoted nations of Mexico and Peru, by sending out reformers unacquainted with, or disregarding of, the manner of the country, added to the disgust and misery of the inhabitants, and ended in revolts and massacres. The Jesuits in Paraguay took a wiser course; they conciliated the natives, and established a substantial power amongst them, by building a humane system of government upon the groundwork of their immemorial usages. But no nation can better be made the object of our present observations than ancient Rome, both from the long duration of her government, and the prodigious extent of her conquests. Rome, if I mistake not, observed this system. In all subjection of territory contiguous to her own she gave

her own laws, if the people wished to receive them, or she allured them by immunities and honourable distinctions. Thus she assimilated all the petty states of Italy to her laws and manners, till the whole peninsula became one nation. But in her distant conquests, she pursued a very different policy. In these she was satisfied to hold the supreme government, to possess the revenues and the military power, leaving the inhabitants to conduct their internal police by their own native magistrates and laws. Nor did that wise nation insult the religion or prejudices of the vanquished. I think the first instance of communicating the Roman laws to the distant provinces of the empire, happened under the reign of one of those monsters who disgraced the name of emperor, Caracalla, about 1,000 years after the building of the city. In latter times, indeed, Justinian, that legislator so much praised by his posterity for his compilations of jurisprudence, committed the same blunder which we are now committing in our country. He thought of the Roman laws, as many good and well-meaning men may think of English laws, that they are the best in the world; that laws good in the west, must necessarily be good in the east: and in that belief, he established this confused system, which had been formed at different periods of time, and had grown up under the different progressive situations of the Roman state in Italy; he established it, I say, as the universal rule of right and wrong throughout the provinces of the eastern empire, for which it was no way adapted.

To be sure, Sir, this would be a new doctrine amongst legislators. However, as abstract truths do not strike with equal power or like effect upon every mind, I would be glad, with those who may think differently from myself, to argue upon another ground, and to ask them, what is the object of public expediency in presenting our native Indian subjects with English courts and laws? Is it on the supposition that they have no laws of their own? Sir, they have laws, and voluminous comments upon them; and proud as we may now be of our glorious constitution and laws—justly proud indeed we may be—those nations had written laws before our ancestors became known in the annals of history; and those laws, assuredly very dissimilar from ours, but suitable to their climate and disposition, and blended in all the intercourses and concerns of life, have

been handed down to them from immemorial usage. As the contingency of events has rendered these people subject to our dominion, we should strive to enjoy the benefits of it, with the smallest possible regret to them. Then let us ask, what it is we want from them? I presume we want to enjoy their trade; we want to maintain possession of their country; we want to remain masters of its revenue; we want the fidelity and affection of their people to supply our armies with recruits and strengthen us against the efforts of our rival powers in Europe. All these you will have, Sir, if we only allow them to go on in the track of their forefathers, with a free and undiminished preservation of all their ancient practices and distinctions. If our English courts and laws, instead of being a source of new blessings and happiness to them, turn out in fact to be but a Pandora's box, for Heaven's sake, Sir, let us take our presents back. I am sure we can wish no other than to make them as happy as they can be under the dominion of a foreign power. Give them, then, their own laws and magistrates, if that will contribute to it. Such, we see, has been the policy of other states; and Machiavel, in the refined spirit of his political doctrines, assigns a very material reason for doing so—that, living under the immediate authority of their own countrymen, they submit the more easily to a sovereign at a distance from them: and whether the judgments they pronounce be just or unjust, the odium does not fall upon the supreme power, nor do the people continually feel the reproach of their dependency. As to your English laws and processes, let those feel the weight of them who derive benefit from them; who, being born and educated under them, and qualified to study them in their native language, may see through the technical fictions and complicated proceedings of our courts, to discern their intrinsic excellence and justice. No man, who wishes the good of his country, can desire to see Europeans at that distance from the fountain of power, placed above the laws, or independent of controul. Let it be the province of English laws to restrain Englishmen from oppression: but not to shackle your government in the exercise of the necessary powers confided to it by the legislature; nor to harass with perpetual vexation the timid natives. In the first point of view, those natives will admire and venerate them. But, if we

persist in the present idea of extending them, I am confident the terms used by the governor-general and council, will be found true, as they are emphatic, and this nation will deservedly incur the reproach of "a barbarous attempt to force a foreign law upon a conquered people."

Moreover, if it were expedient to introduce them, the difficulty might deter us. We have about 5,000 British in Bengal. The natives have been formerly estimated by lord Clive at 15 millions. I think ten millions is a computation nearer the truth. Now, is it agreeable to common sense, that 5,000 men should force a system upon ten millions, which they are disinclined to receive? or that the native troops should assist in committing such a violence upon the feelings of their fellow-countrymen and relations? I cannot bring myself to imagine, Sir, that the voice of assumed authority will ever carry substantial power, where the minds of the people are not overawed by fear, or from other causes contented to receive and submit to it. I think it has been held as a maxim, that it is only to an unpolished people that a legislator can give what laws he pleases; and if we look to a great nation, which now draws the attention of Europe, we shall see the considerations which the empress of Russia enjoins in the instructions to her commissioners for forming a new code of laws. "There are various things," says that wise princess, "which rule mankind: religion, climate, laws, maxims received from government, example of past ages, manners, and customs; and the legislature ought to adopt its laws to the general sense of the nation."

There is one other point I must beg leave to touch upon; but I do it with the utmost diffidence: I feel it is tender ground: I mean the equalizing principle which this judicature tends to establish betwixt native and European. Formerly we have seen a few hundreds of Europeans carry rapid conquest through an intimidated country. A native was led to look up to an Englishman with awe and acknowledged superiority. Our power has been more imaginary than real, to hold that vast territory in subjection with such a disparity of numbers. But, Sir, if they see our government degraded in the public eye; and every Englishman of rank reduced to a level with the lowest native: I fear they will soon find out that we are but men like themselves, or very little better. Our dignity will fall; our power will dwindle;

some accident of the moment will produce revolt, and then, Sir, it will not remain a question, how we shall hold that country, but whether we shall hold it at all. I say, Sir, I feel this is tender ground. I ask the excuse of the House if I am in an error. I throw out the idea for speculation; but at the same time, I must confess, it is an idea that alarms me.

Now, after all this discussion, I shall, perhaps, be told, that I am pulling down an edifice, without having previously formed a plan to erect another. Sir, I did think that it would be more respectful to the House, to solicit their serious attention to the subject, and propose a full discussion of it before a committee, and I believe my hon. friend concurs in that sentiment, rather than to presume upon offering any system to their notice. I have wished to convince them, that enquiry and reform are indispensibly necessary; and I venture to flatter myself, that with the local experience of some, and the general knowledge of others, and particularly calling in the aid of gentlemen of the profession, whose minds are more usually turned to subjects of legislation, we may be able to devise some eligible plan for the good administration of our Asiatic territory.

For my own part, Sir, I shall most cheerfully contribute with my poor assistance, by furnishing every light and information I may possess, or by explaining any terms of the country languages, which might throw obscurity upon the records to be consulted. I am ready to act as a member of a committee, if one should be appointed; or I will willingly attend upon them if I am not a member. This I can safely say, Sir, I have no private views to gratify; no other desire, than to promote the public interest, and the happiness of individuals. Again, Sir, I disclaim personality. I consider this as the cause of humanity and national honour. My great object and most sincere wish is to introduce amongst that industrious and submissive people, a system of legislation, which may be congruous to their feelings and dispositions; to conciliate them to the supremacy of our distant country; to render that fruitless territory a permanent appendage of the British empire; and finally, to do justice to its inhabitants, to my nation, and to my fellow-subjects.

Lord North agreed, that the petitions well deserved the serious attention of the House: he likewise allowed, that if the facts were true that the judicial and poli-

tical powers were in arms against each other in India, the House should take measures to put an end to so dangerous a contest as soon as possible. At the same time he thought it highly incumbent on the House to consider, that the enquiry they were about to enter into, was of a most delicate nature. The conduct of the judges of the supreme court of judicature, and the constitution of the court, were so intimately connected, that it was hardly possible to separate them entirely. The one as it were, run into the other; and both were so blended, that it would be a very difficult matter to pronounce upon the constitution of the court, without in some measure adverting to the conduct of the judges. It behoved the House, therefore, to steer as cautiously as possible between these two objects; to ascertain facts tending to prove that the jurisdiction itself ought either to be abolished entirely, put under new restrictions, or better defined than it already was; but gentlemen would see that it would be unjust in the extreme to go to a crimination, much more to a condemnation of the judges, who, from the nature of the case, could not already have been heard as to the facts that might come out in the course of the enquiry, nor could they be heard now. With regard to the act of parliament which he had the honour to bring in some few years since, it certainly was, at the time it was under the consideration of that House, neither his idea nor that of the House, that the court of judicature should become the source of misery, oppression, or injustice; much less was it meant to extend the British laws in their unintelligible state (for so might they appear to the natives of a country in which they never had been promulgated) throughout that vast continent; neither was it designed that the supreme court should swallow up all other jurisdiction, or take away the power of those courts to which the residents had been for years accustomed to resort, and which had been proved from long experience fully competent to a substantial administration of justice in those cases wherein their interference had usually been desired. The sole view of the House was to give a court that would hold out equal justice to the native and the European; a court much wanted at the time, and in the constitution of which the House had been to a man unanimous, on the idea that it was politic, humane and just, that a court so constituted should exist.

Sir *Richard Sutton* said that the petitions criminated the judges, and that they were sent over without the judges' consent, which of itself had a very suspicious appearance, and ought to challenge the jealousy of the House, as to the fairness of the statement of the facts alleged.

Mr. *Wraxall* rose to express his high approbation of the motion. He said, that whatever compelled the government of this country to turn their attention to India, merited national praise and gratitude. He said, that to whatever part of the empire he directed his view, excepting India, only scenes of calamity, distress, and civil commotion presented themselves under a thousand various and accumulating forms. But that in India, victory and glory and commerce and wealth and all the resources of a great nation were visible. He contrasted the splendour of our arms in that part of the world, with our losses and disgraces in America. But, he said, that under this flattering and dazzling exterior, lurked a thousand hidden seeds of political disease and death. He expatiated on the critical and dangerous situation of our affairs in Bengal, Bahar, and Orissa. He expressed his disapprobation of the principles on which the courts of judicature were originally erected in that country. He said, that the most fatal consequences would incontestibly result from them, if not timely suppressed, or at least restricted and limited in their powers.

He then remarked the folly and absurdity of an island situated as England is, in the 50th degree of northern latitude, and on the verge of the Atlantic ocean, whose inhabitants (the descendants of Saxons, Danes and Normans) had scarcely yet in a course of ages been able to refine their barbarous jurisprudence, and adapt it to their own country; of such a people, in the insolence of conquest, or the ignorance of misinformation, transplanting their courts of justice and acts of parliament, to a country situated under the tropic and the equator, at the distance of 5,000 miles: to a country totally dissimilar in religion, in laws, in customs and in feelings of every nature, and which had been so from the most remote antiquity. He said, that this conduct had no precedent in the annals of Rome, or of any nation of antiquity, renowned for policy and wisdom. Rome had opened her generous arms to all the conquered nations; she had adopted with a masculine and conciliating policy, all the customs, religious or civil, of the van-

quished provinces; she respected even their prejudices; she consequently was beloved and revered on the banks of the Tagus and Euphrates, as much as on the banks of the Arno or the Tyber.

He said, that every consequence of popular violence and insurrection was to be dreaded at this moment in Bengal. He observed, that the supreme council were at this time armed against the courts of justice. He left the House to judge what must be the consequence. He declared, that unless some speedy and effectual remedy was applied, that country would become a scene of massacre. The Sicilian vespers would be renewed on the banks of the Ganges, at Patna, at Benares, and at Calcutta.

He then took a larger field, and adverted to the present situation of India in general. He said, that it was not only in Bengal that we were menaced with convulsions and insurrections; Madras, he asserted, called loudly for some immediate reform. The avowed factions of the Nabob and the Rajah of Tanjore distracted and divided that presidency. Bombay, which, after a century of sloth and inactivity, had effected some important conquests, was menaced by the Mahrattas who overhung the island, and might severely revenge the losses they had lately sustained on that side of India. Besides these particular evils, other dangers menaced India in general. The vast extent of coast from Cape Comorin to the Jaggernaut Pagodas, was inadequately guarded by the military establishment of Madras, which could not possibly defend a coast of 1,000 miles in length, if ever it should be attacked. The Mahrattas were very powerful and much to be dreaded. Hyder Ally, who had driven our troops before him in 1769, and compelled us to sign an ignominious peace at the gates of Madras; Hyder Ally was the friend of France, and he was still terrible in arms, though declined in years. The French had a large force in the island of Mauritius. The Dutch were strong in Ceylon, and stronger in Java and at Batavia. The Spaniards occupied the Phillipine Islands, and could annoy all the trade of Canton and to China. We were beset with dangers, and environed by enemies. He concluded with repeating his approbation of the motion; he thought it the first and most necessary step towards a general reform of that country: he called on government to exert themselves, and to turn their attention to India, as to a country

on which the future glory, grandeur, and permanent greatness of England must ultimately depend.

Mr. *Burke*, in a short speech, contended that it would be impossible not to criminate the judges, if criminating facts should arise in the course of the enquiry; though he allowed it would be the extreme of cruelty to condemn them unheard.

The motion was agreed to.

Debate in the Lords on Gooch's Divorce Bill.] Feb. 19. The order of the day, for the second reading of Gooch's Divorce Bill, was read. The abstract of the evidence, on which the divorce was prayed, was as follows. A disagreement having taken place at Bath, in 1778, relative to an improper familiarity between one Rauzzini, an Italian singer, Mr. and Mrs. Gooch agreed to live separate; in consequence of which the latter went to reside in France upon a separate maintenance. There the lady had not long resided before it was generally wished for, between the parties, to take the necessary measures for separating for life. The first fruit of those measures, as it came out in evidence, was, that her servant, a French woman, came over the next year, and a regular divorce or separation, à mensa et thoro, being sued in Doctor's Commons, her woman gave such testimony of the criminal familiarity of her mistress with several French officers in divers places, that the parties were divorced. It however came out, in cross-examination at the bar, that this evidence was not deemed sufficient for a divorce, to be sanctioned by the legislature, to enable the parties to marry again; on which, the servant woman returned to France, and in a short time afterwards it was so managed that a cook in the house at Calais, where Mrs. Gooch lodged, was called up one night, at eleven o'clock, apparently with a view to be present when Mrs. Gooch was in bed with a French officer. The facts of criminal commerce, here mentioned, were the grounds of the present application; and the order of the day was read for the second reading of the Bill.

The *Lord Chancellor* observed, that when persons came for redress to that House, in matters respecting property, and when the event of the application affected themselves solely and exclusively, it had been the established usage to qualify their claims, or concede or interchange their rights and possessions, as choice or convenience might suggest, no

person having a right to complain where no injury could happen; but if an individual, no matter of what description or condition, from the prince to the meanest subject, sought favour or redress, the case was very different when the property or personal rights of other persons came to be affected. Here their lordships were called upon to perform an act of duty, which no external consideration or motive could justify in neglecting or dispensing with: here they were called upon to interpose their authority, and to exercise that power with which they were invested by the constitution, as the guardians of the rights and properties of those committed to their care and protection; and to take care that no private concert or agreement between parties should affect those who were not properly, or in person, before the House, so as in the end to be productive of private injury or public mischief. It was upon this principle, he conceived, when applications, such as the present, were made, that their lordships had been at all times specially careful to see that they did not originate in collusion, nor spring from motives, which, if gratified, might be productive of evil example, and operate as an encouragement to a general corruption of morals among persons of a certain rank, condition, or ability.

Cases sometimes happened, he was ready to acknowledge, in which the parties applying had come as petitioners to their lordships, by mutual consent; and yet, such agreement not amount to what he meant to describe by that species of collusion which he wished to discourage; he meant, where the criminality preceded any knowledge of the guilt, and where the discovery of the commission of the criminal act was accidental. Yet, when the discovery was incomplete, in the first instance, and means had been devised by the consent of the parties, to furnish more relative and fuller proof, he must confess he retained his doubts even of that species of collusion; for it would be extremely difficult for their lordships, sitting as legislators in that House, to be satisfactorily informed at what time the collusion commenced, or whether the same means of collusion, which laterally furnished the complete evidence, might not have been still pushed a little farther, and have suggested that which appeared incomplete. The present case, when fully sifted, he feared would be found to be pushed still one step far-

ther than the last he had mentioned; for, by the evidence delivered at the bar, no criminal act was so much as suggested previous to Mrs. Gooch's retiring to France, and living in a state of separation from her husband. It is true, the disagreement arose at Bath, in 1778; but no charge of criminality is mentioned till some months after she arrived at Calais or Boulogne. This implicated doubts of a very suspicious nature, because in his apprehension it amounted fairly to this; that when disagreements arise in the married state, no matter from what cause, or squabbles however trifling in their nature, all the parties had to do would be to separate, and the wife to gratify herself, or perhaps pretend to gratify herself, in order to furnish proofs sufficient to enable both parties to marry again.

Were their lordships to give way, under the circumstances he had described, it would defeat the avowed purposes for which the relief was sought, and the only purposes to effect which it ought to be granted. It would open a door to every species of this sort of criminal gratification. It would cut asunder the most endearing ties of relationship, it would operate as an encouragement to immoralities of the most disgraceful nature, and poison the fountains of domestic felicity. It would hold out temptations to those who had nothing to regret in the married state, but that they were not single, to get rid of those restraints arising from their situation, by acts which would, in fact, render them unfit for any honourable connection, unless upon a false principle of honour in their supposed or pretended seducers. To apply the general argument, with which he had presumed to trouble their lordships, it would not be impertinent or foreign to the subject to corroborate what he now offered, as applied to the case before the House, to what had come out in evidence at the bar.

Frances Portia, the cook, who had been called in as an auxiliary evidence to make out a case fit for your lordships' consideration, tells you, she was called up at 11 at night, by Mrs. Gooch, at Rigourds, at Calais; for what purpose? to be a witness of seeing Dismeneil and Mrs. Gooch in bed together; and, upon farther inquiry, what more did she tell your lordships? that in a subsequent discourse, I believe the next morning, Mrs. Gooch told the witness, that the motive which induced her to call her up was, to give evidence of the fact in

England. If your lordships will attend to the testimony of Berthould, the companion and servant, she tells you, that she lived at Chelsea, with Mrs. Gooch, where she hired herself, and afterwards accompanied her mistress to Calais, Boulogne, St. Omer's, and back again to Calais; and that in each place she was a witness to several criminal acts with the several French officers, whose names she has mentioned. She has not stopped there, she has accompanied the relation of the fact with the avowed motives of her mistress for committing it; for she says, her mistress informed her at the time of her intentions; nay more, before they departed from England, explained to her, what she intended by her proposed residence in France; adding, that she would be called upon as a witness in England. Berthould accordingly returned to England, and gave evidence in Doctor's-Commons, by the directions of her mistress, and to whom did she apply? to Mr. Woodcock, Mr. Gooch's agent, who supported her, furnished her with money, and paid her her wages, &c. Berthould, on her return to France, informs her mistress of what had passed. She is accompanied by Panchaud, Mr. Gooch's servant, who, instructed by Mr. Woodcock, brought over Frances Portia, the cook, to complete the evidence, which Mr. Woodcock deemed incomplete to support a Bill for leave to marry again, though fully competent to ground a divorce. It is true, Mr. Woodcock says, Mr. Gooch was not privy to any part of the transaction, till after Berthould returned; but I would submit, whether or not, as there was no evidence of Mrs. Gooch's criminal conduct, previous to her departure for France, and as her conduct in France seemed to be preconcerted, before her departure from England, by the intimation given by her to Berthould before she left it, the present case, under these described circumstances, does not amount to a direct or implied preconcert to get rid of each other at all events, however disgraceful it might turn out to themselves, their immediate family, friends, and connections?

He was satisfied that Mr. Gooch had been extremely unfortunate, the criminality of his wife having been proved beyond the possibility of doubt; but still it was equally evident, that the acts of infidelity were all proved to have been subsequent to the intention of one, if not both parties, to dissolve the bands of matrimony, in

order to marry again. In that point of view the case struck him, and as such, agreeably to his judgment, it came within the general exception which their lordships had marked out when no other reason was urged but the bare proof of criminality. Were the present Bill to pass upon the idea of redress, where the injury proceeded from a preconcert between the parties themselves, and had been committed by previous consent, it would open a door to every species of immorality, to private criminal gratification, to public prostitution, and open seduction. He had, since he enjoyed the honour of a seat in that House, steadily set his face against every attempt of the kind, and ever would. The present case, he confessed, in some respects, was a hard one, but it was not so severe as it might appear, because it was not merely accidental, but fictitious. The question, however, could not be considered any farther than it appeared from the evidence delivered at the bar. In that point of view, he had already fully considered it, and in that only could it now be properly decided upon. For his part, he would never consent to the second reading of the Bill, under the impressions he received from the evidence now delivered; and if a motion should be made to that effect, he should find himself under an indispensable necessity of saying, "Not content." Yet, as there appeared to him to be peculiar hardships in the case; and as they seemed to be so considered by several of their lordships, who had heard the evidence, he was ready to consent, for one, that the farther consideration of the business should be deferred to that day week.

This motion was agreed to.

Feb. 26. The postponed order of the day for the second reading of Gooch's Divorce Bill being read,

The Bishop of *St. David's* (Dr. John Warren) begged leave to make a few general observations, as well on the Bill itself as in reference to what fell from the noble lord on the woolsack the last day it was taken into consideration. He had paid particular attention to the evidence, and although he entertained the highest respect for every word that the noble and learned lord delivered on any subject in debate, yet in this matter it appeared to him, that there were very substantial grounds for differing in opinion with the sentiments which the learned lord had ex-

pressed. There was no general rule without an exception; and, consequently, the present case might come within that exception. Divorces were, it was true, of a very tender nature, and ought not to be granted on slight occasions, or where by a collusion of the parties, the great moral obligation they had entered into might be frustrated without legal cause. The evidence delivered at the bar amounted to a full proof of Mrs. Gooch's criminality antecedent to any constructive collusion that had been adduced between the parties. The wife's profligate conduct had been fully proved to the House, but on the part of the husband not a particular was hinted, which could lead to a single circumstance that there had been in his conduct the smallest deviation from conjugal fidelity. This was a point which was well worthy of their lordships' consideration. He said it would be a hard case indeed, where so much guilt appeared on one side, and so much virtue on the other, that because the wife wished to be separated, the husband should be bound to continue in matrimonial bonds, merely to add actual punishment to implied disgrace. He beseeched their lordships to take the petitioner's case into a favourable consideration, which they must certainly do if they paid proper attention to the circumstances on which the divorce was prayed. It was a petition founded on the strongest evidence of Mrs. Gooch's having defiled the marriage-bed not in one, but in multifarious instances. He had known Mr. Gooch from his infancy, and he could aver upon his own knowledge that his private and public character were unexceptionable. His case was an unhappy one, and from the misery of his present situation he could only be relieved by their lordships. He was ready to acknowledge, that the House and the public at large lay under very singular obligations to the noble lord on the woolsack for his very laudable endeavours to establish a certain established species of relief, in all cases, where the parties were fairly entitled to come to parliament; and he trusted that none of their lordships more anxiously wished than himself to see a regulation, such as had been hinted by the noble lord, take place.

If this sound, safe doctrine was resorted to, as the unerring standard of their lordships' proceedings, he thought himself justified in applying the rule to the case before their lordships. There could not remain a single doubt, he presumed, but that

the infamy of Mrs. Gooch had been established by the most irrefragable evidence. It was no less manifest, that the avowed promulgation of the act proved, that besides the mere vicious gratification, she looked farther; for she was not satisfied to be criminal, but she seemed desirous to proclaim and make it known, and for what reason? Clearly, to lay a foundation for dissolving the bands of matrimony. He was so far, as the argument applied to the guilty person (for otherwise it would be equally monstrous, absurd, and unjust to punish one person for the guilt of another) ready to accede to the doctrine laid down by the noble lord, that the committing a criminal act, with an intention of dissolving the bands of matrimony, should always preclude the person so offending from any advantage they might promise themselves to derive from it. Apply this doctrine in its general sense, or confine it to the particular subject under their lordships' consideration, and it would preclude Mrs. Gooch from availing herself of her own wrong, though the person injured could not, or ought not to suffer, by her misconduct. The motive which induced her to act as she did, would be defeated, and strict and exemplary justice would be dealt out to both parties, while the noble and learned lord's ideas would be perfectly fulfilled, namely, doing justice to the innocent, and punishing the guilty, by withholding from her the object which she meant to obtain.

By what was proved at the bar it appeared, that the lady had acted spontaneously, as inclination prompted, and as her wishes and expectations led. Of this it likewise appeared that her husband was totally ignorant till the injury had been frequently repeated; consequently, in this infant stage of the business there could be no pre-concert or collusion between them. Nor was there the least suggestion, that he recollected, of any communication between Mrs. Gooch and Mr. Gooch's agent, (Mr. Woodcock) till after the return of Berthould the first time from France, when she was called upon to prove the adulterous acts committed by her mistress in France. The collusion being therefore out of the question, as applying to the first acts of criminality committed in France, as proved by Berthould, the present Bill might receive their lordships' sanction; and still the principle laid down by the noble lord be rigidly adhered to, that of preventing, by every possible means,

the guilty party from profiting by their own guilt, or involving the innocent in the punishment only due to themselves.

On the principle so ably stated by the learned lord he should move, that the Bill, after being read a second time, be committed, for the purpose of new framing it agreeably to that principle, and the special circumstances which took it out of that general rule; in order on one hand to do justice to her much injured husband, and on the other, to deprive her of those advantages which she hoped to derive from her misconduct. There was one great evil, which arose from collusive or preconcerted agreements of the nature alluded to, that the wife was generally rewarded for her infidelity, and by the expectation of various kinds which were held out, was thereby tempted to do what perhaps she would never otherwise have thought of, had she not a moral certainty of getting rid of the man whom she had ill-treated, and under these impressions bettering her situation, by an ample separate provision.

He spoke, he said, with great diffidence upon a subject in some respects so foreign to his habits, studies, and pursuits; he meant, so far as matters of this kind were connected with questions of property or civil judicature; but he hoped he could not err in point of intention, when his sole and primary object was impartial and indifferent justice. On these motives, and on this principle, and in this persuasion, while he totally disapproved, and in that so far agreed with the noble lord on the woollack, of holding out encouragement to married persons, much less to one of the parties exclusively, to commit adulterous acts, he thought it would be adding actual injury to real misfortune, that the unfaithful wife should profit by her infidelity, so far as to put herself by her crimes in a better situation, or at least a more desirable one to her, at the expence of the party injured: an unfortunate, and perhaps doubly so, because an affectionate husband.

The *Lord Chancellor* assured their lordships, that when he made use of the word 'collusion,' he did not mean to use it with technical strictness; the term was sufficiently expressive of the idea annexed to it, to render all verbal criticism unnecessary. And still in whatever light the transaction may have appeared to the learned prelate, he was yet to discover what other name to give the latter part of

it, but collusion arising from a preconcert in the parties to do or suffer a criminal act, in order to lay a foundation for that species of proof, which from its positive and corroborative nature, would be sufficient to induce their lordships to pass the present Bill. It was true, that Mr. Woodcock, Mr. Gooch's agent, declared at the bar, the last day, that when Berthould was in England for the purpose of proving the adulterous acts committed by Mrs. Gooch at Calais, Boulogne, and St. Omer's, Mr. Gooch was totally ignorant that it might be deemed necessary to have a second witness, to prove the criminality at that bar, in order to entitle the parties to marry again. He was prepared to give every degree of credit to what fell from a person of Mr. Woodcock's known veracity and character; yet, he could not help observing, that the mode of conducting this business, subsequent to Berthould's return to France, after having been examined at the Commons, created suspicions in his mind, and he believed would create suspicions in the mind of every one of their lordships, extremely unfavourable to the application made by the parties now praying relief.

Here his lordship stated the whole of the evidence pretty much in detail, and made several pointed observations on Mr. Gooch's conduct, from the first disagreement, in 1778, to the present time, by which it appeared, he said, that he suffered his wife to go whither she liked; in consequence of which she went to France, where she remained eighteen months. On her return to England, she lodged at Mrs. Macdonald's, at Chelsea, where she met with Berthould, and hired her as a companion or servant. Mrs. Gooch thus accompanied, goes to France a second time, and what happens in consequence? Berthould, who seems to have been hired for the purpose, is made privy to her adulterous acts, with several French officers at Calais, Boulogne, and St. Omer's: and there was one striking circumstance which he wished to press on their lordships' recollection; that, during the first eighteen months Mrs. Gooch lived separate, there had not been the least charge or supposition of her infidelity. That however was not the case; on Berthould's return, Mrs. Gooch, as it should seem to him, being informed that the proof was incomplete, calls up Frances Portia to be a witness to her infamy at Rigourds; which Frances Portia, in the course of her

evidence, acknowledges that Mrs. Gooch asked her, was not she surprised upon being called up to her bed-side the preceding evening, at so late an hour, and on such an occasion? adding at the same time, "you will probably be called to give evidence of this in England." Finally, he would submit it to their lordships, whether the sending Panchaud, Mr. Gooch's servant, to bring over and accompany Berthould and Frances Portia, to give evidence at their lordships' bar, did not afford strong ground of suspicion, though perhaps it did not amount to actual proof, that the whole of the business, from the autumn of 1779, when Mrs. Gooch left Chelsea, accompanied by Berthould, was preconcerted between her on one side, and at least by the agents and friends of her husband on the other? He felt as much as any man possibly could for Mr. Gooch's unhappy situation. He had a high respect and esteem for his family, with some of whom he had lived upon a footing of the most friendly intimacy, particularly with his uncle, when at college; from which circumstance, he trusted, Mr. Gooch and his friends would attribute his present conduct as merely arising from a sense of duty; for he could with sincerity aver, were he to indulge his personal feelings, and give way to the natural bias which hung upon his mind, he would, instead of opposing the relief sought, be one of the most forward in granting it.

In farther confirmation of what struck him on the *prima facie* evidence of the nature and quantity of the proof itself, and notwithstanding the great reliance he had upon the assurances given by Mr. Woodcock, there were other stories afloat without doors. He had himself heard different accounts, in discourse, and had received several anonymous letters, strongly contradicting the case attempted to be made out at the bar, all which went to confirm the suspicions he had already suggested. He had indeed received one from the lady herself, in which she informed him, "if all circumstances were disclosed, it would exhibit something very different from what had been given in evidence at the bar." Such being the general ideas he entertained on the subject, he must fairly acknowledge, that he could not agree with the learned prelate's motion, for sending the Bill to a committee: and when, as an act of duty, he should be called upon to put the question, he wished to make known his intention of giving that question

a negative, at the same time anxious that their lordships should be fully persuaded, that he had no wish one way or other, farther than his conduct was meant to tally with a conscientious discharge of his duty. This however he thought fit to intimate, if it was their lordships' opinion, that the Bill ought to be sent to a committee, he was determined not to oppose it in any future stage.

The learned prelate had, in his opinion, very properly distinguished between the well-founded claims of innocence and the punishment that ought ever to await guilt, and while he urged the propriety of withholding relief, when it did not arise from guilt, antecedent to the knowledge of the party injured, *id est*, the husband, endeavoured to apply that principle, by confining, in the present instance, the relief to the party injured, and precluding thereby and defeating the views of the guilty person, which the learned prelate, for ought that appeared to him, thought was the principal motive that induced her to that infamous conduct, and finally, to prevent her from enjoying the advantages she promised to reap from it, that of an ample settlement. This, he confessed, was plausible, and seemingly founded in distributive justice, but he much doubted of its practicability, agreeably to the principles of law and the established rules of administering this species of judicature, or rather legislation, in that House. Supposing however for an instant, that no obstacle, as he was about to suggest to their lordships, should stand in the way, he doubted much of the equity of such a procedure, under the strong circumstances to which he had so often alluded. He would not venture to say of actual premeditated collusion, in all its parts and circumstances, but most clearly of subsequent mutual consent. Mr. and Mrs. Gooch came to their lordships' bar as petitioners, or suitors, whose prayers, claims, and respective rights, were clearly separate and distinct. It was evident at all events, let the transaction have originated where or how it might, there was one point which could not admit of any controversy, that Mr. Gooch had previously agreed to certain arrangements; in return for which, Mrs. Gooch undertook to furnish him with these proofs, which were necessary to effect the dissolving of the marriage contract. The criminal proofs were, the value received on one side; a provision for the wife was the valuable

consideration to be received on the other; it would consequently be inequitable, as well as repugnant to the known principles and rules of law, to extort confessions under the idea of good faith, which were afterwards to be solely employed to the advantage of the other party, and to the detriment of the party confessing.

But independent of the impropriety, or rather actual injustice, of carrying into execution one part of the consentaneous transaction, should the learned prelate's ideas prevail, he looked upon it that such a scheme was totally impracticable, were the established mode of proceeding in that House to be conformed to respecting all acts of legislation, and he begged permission to make himself perfectly understood on this part of the question. The Bill, as presented to that House, was a Bill upon certain facts therein stated, and offered to be proved in order to lay a ground for the dissolving the marriage of the parties, to give them leave to marry again, and to make certain a provision for the petitioner's now wife. The Bill is read a first and second time, and the motion made by the learned prelate is to send it to a committee. So far the established mode of proceeding is strictly adhered to; but an exception being taken to the conduct of one of the parties, namely Mrs. Gooch, that she committed the adulterous acts which have been proved on her, in order to give efficacy to this Bill, and of course to marry again; and suspicions, not amounting to proofs, having been suggested against Mr. Gooch by his friends or agents, that he had been privy or consenting to those acts, or had previously consented to their commission, the learned prelate, eager for justice, and in order to discriminate the guilty from the innocent, strikes out what appears to him a middle path. He recommends to send the Bill to a committee, in order to cure the original defect, that of permitting the presumed guilty party to profit by her own wrong, which he presumes will remove all farther objections to its passing. He begged leave, however, to set the learned prelate right, respecting one thing which he seemed to have overlooked. The Bill, agreeably to their lordships mode of proceeding, could not be amended in the committee; the principle of the Bill was directed to three objects; to dissolve the marriage, to give leave to marry again, and to make a provision for Mrs. Gooch. This constituted the whole of the principle of the Bill,

which had already received their lordships' sanction. The principle, it was true, might be modified; it might be enlarged and extended, by the introduction of new clauses, but could never be altered; consequently there was no other alternative now left but to pursue the principle of the Bill faithfully; or, by withdrawing it, begin *de novo*, and frame a new Bill upon the principle recommended by the learned prelate.

He had, long before he had the honour of a seat in that House, and too often since, beheld with no small degree of dissatisfaction, the manner and grounds of procuring divorces in that House, and was sorry to say, that they frequently approached to the ludicrous, if not the downright ridiculous, and in every sense might be well deemed unbecoming the dignity, gravity, and justice of that House; and in fine, were a disgrace to the legislature itself, which should never, upon any account, be put in situations tending to excite levity and ridicule. No person could entertain a more proper respect, and even veneration for ancient forms than he did; they were generally founded in wisdom, and well calculated to promote the ends for which they were instituted. When, however, the powers thus created, were perverted or abused; when the real efficient purposes were no longer sought or attainable; he must confess, his respect and veneration decreased in exact proportion to the extent and magnitude of the evil superinduced or permitted. Parties, for instance, came to that and the other House for relief, arising from some misfortune which could in no other manner be palliated or removed. The ground of their application, under circumstances similar to the present, was the commission of a criminal act in one of the parties; too often within the previous knowledge of the party deemed innocent, and not unfrequently, he feared, upon agreement and with pre-concert. In such cases, would any noble lord who heard him, rise and gravely assert, that either party could be deemed innocent? He was persuaded, that not one of their lordships would venture to go that length. This, in his apprehension, was derogatory, if not directly subversive of every principle of technical or substantial justice, of virtue and sound morals, and of domestic happiness.

Such a mode of proceeding was to the last degree unbecoming the dignity of the British legislature. It was an improper

exercise of what he deemed an improper power, though it had even been more wisely exercised. The grounds of relief ought to be founded in law, not made to originate with the legislature. The legislature were competent to frame a law for the purpose; but farther than that he would never wish the legislature to interfere, or that their opinions should operate upon crimes so as to distribute rewards and punishments. The power which ought to give relief, should be a judicial power created by law, and exercised agreeably to the ordinary dispensations of justice, where every man injured would come upon equal terms, and where nothing could be given or withheld farther than what the law or laws in being had actually and specifically prescribed.

He did not wish to impeach the wisdom of former times; but having turned his attention pretty fully to the subject, whether his judgment was well conceived or not, he trusted what he had taken the liberty to submit to their lordships would not be deemed totally impertinent; if however, in the present instance, he should have the misfortune to differ with their lordships, it would be his duty as well as inclination to abstain in future from pressing his crude, though well-intended ideas on the House. The learned prelate seemed to be of opinion, as a divine, that the marriage bonds were dissoluble. He heard the learned prelate with great attention, and should feel a proper diffidence, when he dissented from him, on a subject of this kind; yet, if the learned prelate meant to maintain it, as a general principle, connected with the present mode of giving that principle effect, as in the case of passing modern divorce bills, he doubted much the propriety both of the principle and of carrying it into execution; and that because the proof of individual guilt, in numerous instances, created the evil. When he said this, he wished to be understood, that the intention of separating suggested the means, the act of adultery itself, which was repugnant to the principle of all sound legislation, namely domestic peace, good morals, and family union. He would appeal to every noble lord who heard him, whether constituting a criminal act, as the only medium of relief, was not the strongest possible incentive to the commission of it under certain circumstances? and whether it was not probable, that in many cases, the prospect of a final separa-

tion, did not operate as an encouragement to these beginnings, which experience has often proved have gradually led to more serious and criminal consequences.

There might, it is true, be possible cases, in which a judicial power properly constituted, might be enabled to give relief; such as incurable disagreements, fixed aversion, and many other untoward accidents, which sometimes unhappily arise in the married state, but the law, he would contend, which might create such a tribunal, ought to have specially in view two points; the preservation of sound morality, farther strengthened and confirmed by the sanction of religion. A very extraordinary species of commentary had gone forth upon what had fallen from him on a former day; and an absurdity in conclusion had been endeavoured to be fixed upon him in consequence thereof. It was represented without doors, as if it had been maintained in that House, if a woman had been guilty of a criminal act, and concealed her shame in several instances, but had at length been detected, such detection would be a good ground for the husband to apply for relief; but that when she committed a similar act openly and publicly, to the disgrace of her sex, and invited persons to be witnesses to it, that the injured husband ought to be precluded all redress. This was a very unfair manner of stating, or rather misrepresenting his arguments and his words. No such expression fell from him; no such argument ever entered his mind; nor could, of course, what he said admit of so unjust and absurd a conclusion. It was not because Mrs. Gooch had acted openly and avowedly in the shameful manner she had done, and not by chance, inclination, stealth, or from passion, but because she acted openly for the purpose of laying a foundation, such as would insure her the attainment of the great object of her wishes, and, for aught that appeared satisfactorily to the contrary, that of her husband likewise. Be the event on the present occasion, what it might, he should have the satisfaction of having discharged his duty, by setting his face openly against a custom, which he was firmly persuaded had proved within the last century so destructive to morals and sound religion, and had in infinitely more instances than appeared either to that House or the public, proved so destructive of the happiness of married

people, their parents, children, friends, and relations.

The Bishop of *Rochester* acknowledged, that if he had entertained any doubts upon the subject, the learned lord had completely removed them, both as to the impropriety of sending the Bill to a committee, and therein introducing a new principle, and likewise of the Bill itself, independent of any collateral consideration. Under this impression, he therefore rose to declare his intention of giving the motion a direct negative.

The House divided: Contents 10; Not Contents 9. The Bill was accordingly committed for the 12th of March.

March 12. The House went into a committee on Gooch's Divorce Bill.

The *Lord Chancellor* spoke against the principle as well as provisions of the Bill, recapitulating the whole of the evidence, as on the two preceding days, and making several pointed observations upon it as he proceeded.

The Bishop of *St. David's* expatiated on the very singular hardship Mr. Gooch must labour under should the Bill be thrown out, and in consequence thereof, so ill treated and injured a man be debarred all future redress, and compelled to live with an abandoned woman: and as the learned lord's arguments seemed to rest chiefly on a presumed collusion between the parties, he thought, in order to clear up that point to the satisfaction of their lordships, it would be proper to call Mr. Woodcock, Mr. Gooch's agent, to be again examined at the bar.

Mr. Woodcock was accordingly interrogated as to several particulars, and seemed to return very satisfactory answers, so far as he was acquainted with the transaction as an agent. Being ordered to withdraw, lord Abingdon spoke in favour of the Bill, strenuously contending, that it did not appear that Mr. Gooch had acted in pre-concert. A general conversation now arose, which continued for some time. At length, the first enacting clause for dissolving the marriage of the parties being read, the Lord Chancellor spoke against it, and demanded a division. The committee being counted, there appeared for the clause, Contents 13; Not Contents 14. His lordship then moved, that the House be resumed, which was agreed to without a division; so that the Bill was rejected.

Debate on Mr. Burke's Bill for the Regulation of the Civil List Establishments.]

Feb. 15. Mr. Burke rose, and previous to his entering on the subject of his intended motion, he moved "that the entries in the Journal of the 6th of April, 1780, be read." They accordingly were read as follows: "Resolved, that it is necessary to declare, that the influence of the crown has increased, is increasing, and ought to be diminished:" and also "That it is competent to this House to examine into, and to correct Abuses in the Expenditure of the Civil List-revenues, as well as in every other branch of the public revenue, whenever it shall appear expedient to the wisdom of this House so to do:" and also "That it is the duty of this House, to provide, as far as may be, an immediate and effectual redress of the abuses complained of in the petitions presented to this House from the different counties, cities, and towns, of this kingdom."

This being done, he proceeded to state to the House his occasion for renewing this important business. These resolutions, which had been made in the last session of the last parliament, he considered as a valuable legacy bequeathed to the public, and an atonement for the criminal servility which had marked and stigmatized their previous conduct. Even in their present form they were something more than declaratory; they formed a title, and a body of maxims authorising the people of this country to expect from their present representatives that which is declared to be necessary by their predecessors. They were incomplete, indeed, in their present form; they wanted specific conclusions to give the effect and benefit which they held out. It remained for the present parliament to accomplish and fulfil what the other had but begun, that the resolutions, which had been read, might not stand upon the Journals, public monuments of their disgrace. He had intimated to the House, that on this day he intended to renew the important consideration of this business, and offer to them propositions for carrying into effect the resolutions which had been read. He had chosen that day, as it was appointed for the second call of the House, from the prospect of a full attendance; and he was happy to see that his expectations were not frustrated. He would not on the present occasion trouble them so long, by entering so fully into the merits and prac-

ticability of the proposed reform as he did the year before; because he was well convinced, that every part of the House was now in full possession of his ideas on the subject. These resolutions were the result of a long, deliberate, and sober debate, when the House was well attended, and when a spirit pervaded every corner of the place which was friendly to reformation and œconomy. They did not originate in that House; the spirit came from abroad; they came from the high and towering mountain of public spirit, initiated by suffering, and aroused by necessity. It was that spirit which had piled up heaps of complaints and petitions on their table, and had pointed out to them what was necessary and what was looked for. In consequence of this burst of public opinion, the House became virtuous and wise; they attended their duty without any influence of grace, or treasury document in their pockets; and adopted the spirit which their constituents had inspired.

On coming into this parliament, therefore, the first thing which had struck him as his duty, was the famous resolutions which had been made in consequence of that spirit; and he had, soon after he came amongst them, given notice of his intention of moving, on that day, for leave to renew the business. This was the purpose with which he rose, and he entertained the confidence of meeting with men, in the new parliament, who would consider it as their duty to go hand in hand with him in carrying into execution the wishes of the people; those wishes which had been delivered in thunder and lightning, and which they now expected to see carried into fruition. It being admitted that a speedy and effectual redress was necessary, there could be no excuse nor apology for not carrying it into execution. The wisdom and power of the present parliament were the foundations on which public confidence could rest. The wisdom and the power were all that could be conceived to be necessary to the accomplishment of this business. The wisdom and the power of parliament were adequate to all the purposes of national security, œconomical government, and public respect. They would not for a moment believe that parliament wanted integrity to adopt what its wisdom suggested, and its power could execute. They would not believe, that they wanted inclination to satisfy the minds of the people, to attend to their legal petitions, to hear and to enquire into the

truth of their complaints, and to grant them the full redress of every actual grievance. They would not give harbour to such a suggestion, until they could reason from experience; and not thinking, therefore, that their representatives wanted integrity, they trusted every thing to their power and their wisdom. The people from every part of the country had declared, that œconomy and retrenchment was required to the existence of the state, and they considered it as a measure that ought to be adopted. He was happy that in the course of his studies, (if any thing to which he applied himself might be allowed to claim the distinguished appellation) he should have met the public spirit and the public voice on its way. Their ideas had been the same, and therefore he thought himself justified in signing the petitions, and in offering to the consideration of the House such thoughts as arose in his mind on the subject. The people had applied to the House, and though they had not agreed in any one system of complaint, or plan of reform, yet they had all stated either errors or calamities in the administration of government, and expence, which certainly ought to be rectified, although they did not agree in the means. He had not gone along with them in all their ideas, because he did not conceive that they were all practicable or proper. Something good there was in all the petitions; and though they had prepared various plans, and had differed about the mode of redress, there were two things in which they had all agreed; and those were, that retrenchment and œconomy was necessary, and that the influence of the crown was become dangerous, and alarming in its extent. The last object was of the most serious importance; for it was by means of this influence that profusion and extravagance were increased. It was the creating and created power; influence and profusion were mutually dependent on each other, and by their joint force and assistance were supported and increased. They declared the necessity of diminishing that influence, which had rendered the two Houses of Parliament accessory to the power of the crown, instead of being a balance against it.

It was the duty of a wise legislature to listen to the applications and the complaints of the people. Like the skilful physician, they were to feel the pulse of the patient, and having discovered the seat and the nature of the disorder, they

were to apply the remedy. They were not to withhold it, because the people were patient under suffering; or because they were clamorous. They were to study the temper, to look into the constitution, and the state of the governed, and watching their motions, they were to apply the remedy at the proper season. When the petitions were presented to the House, there were general meetings of the people in every county and city of the kingdom; they were legal and grave in their deportment; they were peaceable and loyal: some men in that House had pretended to charge them with illegality in their proceedings; that their meetings tended to disorder and convulsion; and were unwholesome, and unfit to be suffered. Without entering into any refutation of a charge which he considered as ill-founded and ridiculous, he would only say, that whether they were so or not, it became a wise and prudent legislature to attend to the reality and the body of the complaint, and not to the form or the irregularity in which it was made. This was their duty as well as their prudence and policy; and in attending to this, they would choose rather to dissipate complaint by removing the evils, than by correcting the heats arising therefrom. The difference between a wise and an intemperate government was, that the one administered justice and mercy, without being influenced by the petulance, or disturbed by the clamours of the subject; it was not heated by the violence of resentment, nor rendered severe and obdurate by the patience of suffering. An intemperate government, on the contrary, entered into all the heats, alarms, and suspicions of the people; they whipped the infant till it cried, and whipped it for crying. When the people were submissive, the government was cruel; when they were violent, it was cowardly.

In consequence of the petitions laid upon their table, two attempts had been made to carry into execution the wishes of the people. An hon. friend of his (colonel Barré) had introduced a plan to correct the abuses in the public expediture, by which the money would be brought to a more speedy account, and be applied more œconomically to the public service. This plan, founded in wisdom and the fairest probability, was superseded by a scheme of the noble lord in the blue ribbon, who thought that a tribunal erected by himself, dependent on himself, and paid by himself, would answer the purpose of

correcting the abuses complained of, better than any other system of regulation: and by this hopeful expedient he took from parliament their ancient, hereditary, inherent right of controlling and checking the public expenditure. He trusted, however, that the House had divested themselves of this right but for a time, and that they would, on reflection, see that they had parted with a great constitutional benefit, for a chimerical, unsubstantial good. He reprobated the conduct of the noble lord in this respect, as at once delusive and ungentleman-like. The second attempt to carry into execution the wishes of the people, had fallen upon his shoulders; it was a plan for an œconomical reform of many abuses in the civil department of government, and for retrenching the influence of the crown, maintained by the emoluments of useless offices, and of unmerited pensions. The House knew the circumstances, and the fate of that plan. It consisted of five Bills, two of which were allowed to be printed, and consequently the young members, as well as the old, were acquainted with them. The first was a Bill for an œconomical reform of the public expence, by abolishing useless offices and unmerited pensions. The second was a Bill for the better regulation of the civil list revenue and expenditure. These two were printed and known. The other three were objects of the same nature, all forming parts of the comprehensive plan of general reform. His object was twofold; a saving in the public expences, and a reduction of the influence of the crown.

This reform he endeavoured to effect, not arbitrarily, piece-meal, and at random, but upon certain principles by which the different particulars, in which he endeavoured to effect a reformation, would be connected into one system, which should grow up by degrees to greater perfection, and be productive of still increasing benefits. He conceived that it was necessary to rescind unmerited pensions, to abolish useless places both in the court and in the state, and to inspect and controul the whole Civil List. By the scheme he had proposed, there would arise a saving to the public of 200,000*l.* annually, at least. But what he valued more than all this saving, was the destruction of an undue influence over the minds of sixty members of parliament in both Houses.

The minister was pleased to receive the proposition with approbation. He paid

compliments to the principle, and opposed it by detail. At first, crowded houses were seen in every stage of the business, and there was an appearance of conviction on the minds of men: they had no objection to the abstract and general propositions, but when they came down to specific reform, they left him and his cause. The squeamishness of the House was such, that after swallowing those parts of the plan for which something might have been said, in respect to the use, the shew, the antiquity, or the respect, they objected to others, for which the most ingenious advocate could not advance an argument. They first dwindled off from one question, and then silently stole away from another, till at last the whole was permitted to moulder and shrink imperceptibly from the view, and he was obliged, after much fatigue, and no success, to give it up, with the mortifying reflection, that his own labours, and those of the House, had produced no benefit to his country.

He was fully aware that there were only two causes that could contribute to the success of a general plan of reform. The first and the most natural and easy was the approbation and the support of the minister. When public reform became a measure of state, and the sovereign was interested in the retrenchment of extravagance, then it became easy and secure. The other cause and occasion of success, was the spirit and the perseverance of the people: when they displayed the grave and rigorous spirit of determination, and soberly applied to their representatives for the reform, which they conceived to be necessary; then it was reasonable to expect that their virtuous resolution would communicate vigour to their representatives, and animate them to their duty.

He thought it necessary to state this to the House, as a justification of himself in bringing forward the plan; for nothing could be so ridiculous and romantic as a reformer without probability and prospect. He stated, therefore, those two grounds to justify the prudence of his attempt; since though he was not assisted by the approbation of the minister, he was seconded and supported by the spirit and perseverance of the people. At that time he was so entrenched by the petitions of the people, that he could not raise his eyes and discover the enemy that lay on the other side; now, indeed, the entrenchments were removed, the breast-work was

taken away, and the enemy might view him from the top of the head to the buckles in his shoes, and he could see his enemy arrayed and armed against him. The question therefore was, whether, though it was right in the first instance, so defended, and so supported, it was right now? Whether he committed a rash and imprudent act now in bringing forward the same plan again? He asserted, that there was no imprudence in the undertaking, because there was no change in the opinion of the people. Their sentiments were undoubtedly the same, though they had not renewed their applications to the House. They might entertain the same notions of the necessity, of the expediency, of the virtue of such a reform, though they had not in the same anxious and eager manner presented their ideas upon it to the House. He believed that many gentlemen present were well convinced of the temper and the inclinations of their representatives: and though some noble lord, with a blue ribbon, on the other side of the way, (remarkable for his wit and humour) might be inclined to indulge his disposition on the present occasion, and exclaim, "A fine mover of a popular bill; you who were rejected by your old constituents, and by all the people of England at a general election, and who owe your seat to my courtesy; you, to be sure, must be a fine mover of a popular Bill!" From this insinuation it might be argued, that the people of England were disinclined to the reformation proposed; that his old constituents, in particular, had evidently shewn their sentiments to be averse to the Bill; because, if they had approved of his conduct, they would have chosen him again to represent them. To this he must answer, that it was very true he was rejected by his old constituents, and that he had not been chosen at the general election, but he denied the inference, though he felt the humiliation. "I do not think," said Mr. Burke, "because my old constituents have not made choice of me, the people of England have rejected the Bill." His old constituents might wish to have this business transacted by a man of more ability and more authority than himself, and so might the people of England, and so did he. He came there humbled, but not dissatisfied; humbled, but not depressed. Though his old constituents had not thought proper to return him; yet, as he was come back to that House, he should

think it his duty there, as well as in every situation in which Providence should be pleased to place him, to act agreeably to the sentiments of obligation and rectitude. Humbled as he was, he wished not to have been the author of the renewed Bill: but a spirit of politeness, which usually prevailed, and which had never been violated but in one instance, and which he hoped would never be violated again, had prevailed on gentlemen to lay the task upon him, because he had been the original mover of the business.

He begged leave to say, that though the people had not renewed their complaints, they had not rejected the Bill. Their ideas were the same, both of the necessity and the advantage, and in some instances they had expressed their desires. They had sent deputies to town to concert measures for attaining these measures; they had recommended them as instructions to their representatives; and he himself had been honoured with an application from the county of Devon, requesting him to renew the attempt: and there he was, in obedience to their desires, recommencing the efforts which he had fruitlessly made the former year in the service of those for whom his best services were due. He had made no alteration in the plan; he meant, if the House would give him leave, to bring it forward in the same frame, that he might have room for all the wisdom and all the virtue of that assembly, to carry on and perfect the rude sketch of the reformation proposed. He most sincerely wished that the noble lord in the blue ribbon would take the matter from his hand, and conduct it through parliament. He would rejoice at the change, since he did not solicit the honour, but the advantage of the plan. If the noble lord, with his shining weapons, would fight the battles of the people, secure of the benefits, if not of the triumphs of wisdom, he would gladly court the shade, sequestered from ambition and popularity.

It might be asked with propriety, whether the necessity was less now than it was before? Certainly not. Had the people then abandoned the Bill, because they had been silent? Certainly not. Many causes might contribute to their silence. It might be owing to the respect which they entertained for an untried parliament. They might conceive, that as the necessity was pointed out to them, and the duty, the means might be safely left to their wisdom, integrity, and discretion;

or, perhaps, their silence was the effect of despair. They might see and feel that their wishes were incompetent with their strength; that parliament was fortified by influence; and that, as they had nothing to hope from the independence, they had every thing to apprehend from the power of parliament. And as to their endeavouring to extort their request by force, they might conceive that the remedy would be more fatal than the disease. He thought so too. The object would not justify the expedient. But if they had hitherto patiently refrained from violence, and presented their petitions with temper, it was a sign of the want of virtue in those who made the conscience and fortitude of the people an argument against redress. He warned the House not to leave the people in so pernicious a sentiment as despair; there were limits, beyond which human forbearance could not proceed.

He trusted that the same unbecoming and inhuman spirit would not prevail in the House now, which had been too visible on many former occasions, of construing every act and expression of the people to their disadvantage; and taking their conduct, whatever it might be, as a reason for objecting to their desires. That if they were clamorous, they should be considered as dangerous, and their petitions be rejected, because their conduct tended to public convulsion; and if they were quiet, that their desires should be resisted, as by their coolness they could not be in earnest. Such was the sophistical reasoning of ministers, and thus they met the applications of the people. If, under the apprehensions of national danger, they should present a petition in great numbers, praying for a redress of grievances—No; they are insolent; they cannot even be heard in such a moment. This is cruel treatment; for injustice does not alter its nature, by provoking the resentment or the rage of those who suffer by it. On the other hand, when the people are quiet, it is said, Oh, never mind their petitions, they have too much conscience to pursue their object at the risk of a civil war.

Indeed, I hope they have, said Mr. Burke; and I am one of those who think with them, that the object I contend for should not be sought after through so dreadful a calamity. But I contend that this is very unfair reasoning; because the people have some conscience, that the minister and his friends are determined to have none at all. If the House were to

consider their rank and their situation, that they were the representatives of the people, dependent upon them, answerable for their conduct, and charged with the guardianship of the constitution: considering themselves in that light, they ought to pay regard to the desires of the people, by whom they were constituted, and give the most serious attention to applications so generally and seriously made. If they were to view themselves in another point of view, as a self-created, self-existing body, coming from the earth of the kingdom in which they lived, and attached to it by no other ties than such as were local and natural as citizens, without being bound as representatives, still they were called upon by the most serious motives: we were at war with ourselves; we were at war with our enemies; we were at war with our allies; and there was great reason to apprehend that a more dreadful war was impending over our heads—a war with those maritime powers by which our boasted naval superiority was suffered. It became them in such a crisis to have regard to every method of retrenchment. In such a moment they ought to take from their civil establishments to add to their military service. They ought not to prefer shew to substance; for the expences of the war were too enormous to be always sustained by the people, unless something was done to supply as well as to impoverish them, to feed as well as to exhaust. The ministers boasted, indeed, that the resources of the nation were unbounded, which, reduced to plain meaning, amounted to no more than this—as long as there is a penny in your pocket, I will find the means of taking it out. While you are patient, and have any thing remaining, I have not concluded my resource. While gentlemen of extensive landed property found it impossible to raise a single shilling on their estates, and saw their tenants starving by the enormous increase of taxes, they were told that national distress was merely ideal, and as long as the premier could raise the ensuing year's supplies, no danger was to be apprehended: but such deception could not avail to disperse the substantial calamities of the country, or counterbalance the good policy of our natural enemies.

We heard much of the spirit of the people; that every thing was to be accomplished by the spirit of the people. When enemy succeeded to enemy, and the guilty rashness of ministers leagued

contending states against us, an independence was to be maintained by the spirit of the people. Abandoned by our allies, and left by Europe to our fate, not alone, our rescue, but our triumph was to be accomplished by the spirit of the people. In every situation, in every danger, and in every emergency, we were to find resource or consolation, escape or conquest, in the spirit of the people. All this might be very true; the spirit of a free people would do much: but in his idea, a good deal of the consequence and effect of spirit would depend upon the strength. It was not proper to deny the manger, and to give the spur—that was to say, to deny the horse his necessary provender, and yet, trusting to his mettle, urge him by torture, to exertions for which his weakness was unqualified. The spirit of the people was the pride, as well as the bulwark of the country; and that spirit ought to be roused and nourished by tenderness and solicitude, not depressed and dissipated by severity and neglect. The body ought to be fed, that the soul may have its energy. And what would be the greatest inducement to the spirit of the people? Participation and example! He repeated it—participation and example! This would awake and animate the dormant flame of Britain. Let the government participate in the sufferings of the people. Let the King show his subjects a glorious example of retrenchment and economy, and see if they have not virtue to imitate as well as to admire. This would give blood and bones and sinews to the war: the body thus invigorated, would acquire activity in its movements, and irresistible force in its exertions. The honour and the glory would belong to the government. It would be magnanimity for which they would become dear to posterity. Their names would be revered, and called up as bright examples to future states.

He placed parliament in another predicament. If they were the mere creatures of the crown, constituted, fed, and dependent on the court, he asserted that it would be their duty, and ought to be their inclination to advise the sovereign to economy and retrenchment. By the plan which has been prepared, they would be able to give the King that which kings in general very much desired—power; for economy was power; it was wealth and resource; it was men and arms; it was all that ambition could either covet or exert to accomplish its ends. Were he,

then, the creature of a despotic prince, he should, as his counsellor in his assembly, advise him, in a time of trial and difficulty, to take from his civil expence, that he might add to his military establishment; to take from shew, that he might add to substance; to make his people happy, that he might make them vigorous; to make his war a war of exertion, that his peace might be honourable and secure. He would recommend nothing that would detract from his true grandeur, or from the pomp of royalty; but to divest himself of a little, that he might keep a great deal; to divest himself of profusion, that he might retain his power. He would tell him, that in a moment of expensive trial, it was better to part with that which was ornamental, than with that which was solid; it was better to part with the embroidery than the coat; it was easier to retrench the desert than the dinner. He would tell him, that to keep up the parade and shew of royalty, without the power thereof, was like the absurd vanity of taking from the manger, to decorate a poor starved emaciated horse with bells and trappings, while the poor animal, deprived of food, tottered and groaned beneath the wretchedness of ornament. Such language and advice would not be unseasonable or impertinent, if addressed to an Alexander or a Charles, since their retrenchments might increase their powers of war, and enable them to diffuse horror with more rapidity. But to a king like ours, who hated war and loved peace; who participated in the interests, the joys, and the disasters of his people, it must be at once proper and welcome; for what was the true glory of the king of a free people? Sympathy. It was sympathy that made him great and amiable. A king is said to be the head of his people, not because he proudly overlooks his subjects from that eminence to which Providence has exalted him, but because he is the head of the body of his people, from whom they derive, by many communications of canals, and joints, and bands, that life and nourishment which actuate the whole frame.

If the stomach is sick, the head is disordered; it is affected in like manner by the other disorders of the body. The King, in like manner, sympathises with the great body of his people; he rejoices in their joy, and is sorrowful at their sorrows. Such is our gracious sovereign. But a faction has stepped between him and his people, and prevented that happy sym-

pathy which should prevail between the head and all the inferior members of the body. This faction it is the business of parliament to quash—to tear the veil that is thereby interposed between the sovereign and the people; to dispel those clouds that hide the royal countenance from his dutiful and affectionate subjects. And surely no sovereign that ever swayed the British sceptre had more occasion for economy than his present Majesty. He was blessed with a more numerous progeny than any of his royal predecessors; they were the objects of his pride and tenderness; they are also, said the hon. gentleman, the objects of our pride and tenderness, for they are the children of the empire, as well as of the King; and it becomes us all to provide for their future grandeur and respect. The respect, the credit, the dignity of the nation is concerned in their establishment; and we must not, by irrational extravagance, abandon the fair offspring of Britain, and leave them beggars in the world; the mere fragments of royalty; kings of experiment, to see how far respect would be connected with poverty, and royalty be maintained when grandeur was lost. It was certain, that let the present war terminate as it may, either now or at a distant period, either in the reduction or the loss of America, we should not be able to maintain a dozen courts in this country. What, then, must be the consequence of profusion? What, but that we shall turn them out bankrupts in fortune, while the parent's heart must be wrung with the melancholy reflection. His Majesty, who was inclined to cultivate the prosperity of his people, must feel the distresses of his people in this threatening ruin; and however he may be prevented by the guilty interposition of counsellors, must be anxious to court tranquillity and fame, by complying with the wishes of his people; to restore the communication between the nerves and the brain; that all the emotions of the body may be transmitted through the fine ducts of the former to the latter, and from thence, with heat and moisture, be conveyed through all the channels of the animal economy, preserving the connection that makes them mutually affect, and be affected by each other.

He was very sorry that last year he had been obliged to point out the king of France as a model for our ministers to pursue; and they were greatly to blame for having given bad advice to a prince,

whose native goodness would have enabled him, if he had been left to himself, to outrun the king of France, or any other monarch, in the noble race of generosity and love for his people: they were enemies, therefore, to his honour as well as to his crown, when they refused to recommend frugality in the expenditure of his treasures. The king of France had found sufficient resources in economy for the support of an expensive war; in the first year of it no taxes were imposed; the second year had passed over without any new tax; nay, the third had begun, and no new taxes were laid; he believed the king had not even laid the ordinary war taxes. Thus his people felt the happiness of having a frugal prince and a frugal minister; for frugality led the monarch to retrench from his own splendor rather than from the pittance of the subject; and in the abolition of 606 offices, he had found out a resource to carry on the war, without laying any additional burden on his people; he had stripped himself of the pageantry and foppery of royalty, but he had equipped a navy; he had reduced the number of his servants, but he had increased that of his ships; he had taken from his own personal eclat, but he had given to his country a marine, which would immortalize his reign. Were Mr. Neckar's plan to proceed no farther than it had already done, it had still produced this essential advantage to our enemies, that they had sustained the efforts of Great Britain three years without any impoverishment, and had now enough to begin the competition of resources with us, after we had been reduced by almost every species of taxation that ingenuity could invent. This was not overlooked by the French king; for Neckar alone had stood his ground amidst all the cabals and intrigues of a court, a stranger, and unprotected as he was, while almost every other minister had in his turn been dismissed. It was not yet true, as related in the newspapers, that he was dismissed the service. Calumny might attempt, perhaps, to blacken this excellent statesman in his sovereign's eyes; but it was impossible to blind the discernment of that monarch, so far as to efface from his memory this honourable truth,—“He has given me a navy, and has not laid a tax upon my subjects!”

We want, said Mr. Burke, some such great minister, who, like Neckar, would strike out new and bold paths, suitable to the pressure of affairs. There is nothing

done but on a little, low, fraudulent scale, producing temporary supplies by retails of misfortune. *Tædet harum formarum.* These are vain and delusive shadows; give him body and substance—*corpus solidum et succi plenum.* When the resources of France were thought to be exhausted, and every common channel was known to be dried up, down Mr. Neckar dug into the mine of national wealth: he went to the spring and fountain head of revenue, and by demolishing the dams and dykes that stopped the current of wealth, he brought into the Exchequer the value of 600 useless places. But it may be said, France must have recourse to burthensome taxes at last: True, but has she not fought with Britain for three years without them? And an exertion of three years may give her a decisive superiority through the extent of the war; it may put her system into such a train, as to give the tone, and determine the complexion of a whole century. It will give more solid and permanent glory to the reign of Louis 16, than all the illustrious deeds of Henry 4.

He next supposed himself in a third situation, a creature of the minister, without any attachment to the people on the one hand, or the monarch on the other. If such was his political character, then, as a friend to the noble lord, he would advise and conjure him in sincerity to promote the Bill now moved for with all his authority, to adopt it as his own measure, and thereby secure all the credit of it to himself. This the noble lord knew from experience was easily done, for to the great advantage of his lordship's popularity, he had practised a similar manœuvre on two or three different occasions already. Most of the members of that House could recollect the noble lord's doctrine some years ago respecting America. The right of taxing that country, he used to assert, was inseparably connected with the very existence of this. He would not hear a single proposition from that side of the House, for relinquishing the claim of taxation; and yet, when he thought proper afterwards to do that which was, by his own previous language, a political death-stroke to the country, something like cutting between the right and left ventricles of the heart, when he offered conciliatory propositions to our colonies, the whole credit redounded to his lordship; the moderate men of this country, as they were called, joined his lordship's party, and re-

probated the opposition; nay, even in America the minister was said to eclipse his opponents in popularity. In the affair of Ireland, the event had been closely similar, for after his lordship had, in fact, opposed every extension of the Irish commerce, as long as he could safely do so, he became at length a convert to that side of the House, and behold the minister becomes suddenly popular in Ireland; gold boxes crowd to him in abundance from all parts of the country; while he and others, who laboured for the right of that kingdom at the expence of their popularity, in this became odious, as the factious opponents of this patriotic minister, and were even, as he was told, burnt in effigy.

He therefore recommended to the noble lord, to take his Bill into his own hands. Though it would be considered by some as poison, as it came from its original author; yet, after it had been chewed and mumbled by the noble lord, it would be received as very salutary and palatable food. Such was the fascinating nature of power and pre-eminence, and such the ingratitude of man, that any little favour the powerful lord granted, though extorted by compulsion, was received with transport by the crouching slave, who was industrious to find out sinister motives to which to ascribe the actions of common men, however friendly and generous!

He therefore advised him by all means, if he wished for honour and fame, to adopt the plan, and accomplish the reductions proposed. He would establish permanent popularity, and would annihilate the opposition. It had been formerly advanced in favour of the influence, which it was the object of his Bill to diminish: that such a principle was necessary for the support of government; that it was the aim of our constitution to give in influence what was lost in prerogative. He was very willing so far to admit this doctrine, as to allow that no minister would be uniformly supported without some kind of influence; for such was the diversity of human opinion, that no abilities could always convince and guide without some bias in favour of the speaker. But there were different kinds of influence; one influence, for instance, was that derived from superior wisdom and virtue, which never failed to inspire reverence and respect, and by the exercise of which any minister might command support; another kind was derived from the power of distributing honours and emoluments, and

this might be employed with equal success in any hands, good or bad. The former of these influences he readily admitted to be necessary to the support of government, but the latter he must ever deny to be either necessary or justifiable; for the influence of wisdom and virtue would always lead to wise and virtuous measures, but that of corruption to corrupt ones. The last was the influence of bribery, and deserved to be called by no other name.

The power of distributing places, pensions, and honours, having been always in the hands of government, by many was confounded with the idea of government itself, and it was thought the one could not subsist without the other, consequently that the power of the state was weakened by a diminution of such instruments. They mistook the emoluments of government for government itself, and considered it as a mere cabinet, containing a chest of drawers filled with sweet things. To be influenced by an admiration of wisdom and virtue, was to possess these qualities; but the influence of bribery he considered as pernicious to freedom as open force. It was said, that all free countries were corrupted by bribery. When virtue, which was the spirit of commonwealths and of all free states, was gone, liberty could not long survive. A few were brought to impose slavery on their fellow-subjects, and the price paid for their services was the only difference between a state possessing the forms of freedom, and one openly despotic. An undue influence, he said, preyed on the very vitals of a constitution, and eat up the entrails, while the outward walls remained.

It was as different from real government, as the most opposite extremes in nature. His ideas of government were most essentially different. He considered government as the exercise of all the great qualities of the human mind, with the mother virtues of prudence and providence at their head. To govern, was to be always prepared for peace or war. To govern, was to unite an empire in one bond of obligation and affection; to have but one direction and one purpose; to have but one interest and one desire; the direction and purpose, the interest and desire of common prosperity. To govern, was to possess the confidence of the governed, that when the envy or the ambition of an enemy aimed an attack, every heart might agree in delivering the sword into those hands that had held the olive to their ad-

vantage. To govern, was to act in a state of hostility, for the interest of the empire, and not of the rulers; it was to arouse the people, by sharing in their exertions—by proposing and beginning retrenchment, and shewing the use of œconomy, by the advantages and success of it. This was government in his definition of the thing, and it was the only idea of government that he could possibly entertain; and thus government was as different from places, as services were different from salaries. It was the nature of influence to produce a supine negligence in government. Influence threw government asleep, and it sometimes awoke by starts and fits, after it had relaxed the steady reins of virtue, into acts of the greatest cruelty and ferocity. It led to anarchy and confusion. By influence and anarchy together, a mortification was always produced, which was at last cut away by the incisions of the sharp knife of despotic power. It would be easy to shew, he said, by a detail of particulars, that the spirit of the British government was relaxed—that it was paralytic, undoing to-day what it did yesterday, and totally unable to support its own weight.

The hon. gentleman said, he would not trouble the House with any more reasons for bringing forward the same plan again, which had engaged so much of the time and attention of the last parliament for so little purpose. He had made no alteration in it, and he begged leave to give it to the House in the humble hope and confidence, that if they meant to give it countenance and attention, they would do so with fairness and candour, and not with insidious respect in its outset, tempt it to a death of slow and lingering torture. He called upon the noble lord in the blue ribbon, who was to be the arbiter of its fate, and begged, if he meant ultimately to give it a death stroke, that he would save himself and the House much fatigue, and the nation much anxiety and disappointment, by strangling it in its birth. Let them try the matter on that day, if it was to be tried. He called upon him to do this, and be, at least for one day, a decisive minister. He concluded with moving “That leave be given to bring in a Bill for the better regulation of his Majesty's civil establishments, and of certain public offices; for the limitation of pensions, and the suppression of sundry useless, expensive, and inconvenient places; and for applying the monies saved thereby to the public service.”

Mr. *Duncombe* seconded the motion. He complimented the hon. gentleman on the very great ability with which he had stated his comprehensive plan to the House, and for his firmness and assiduity, which had risen superior to all opposition, and combated every obstacle. The very ample manner in which his hon. friend had opened the Bill he proposed again to introduce to the legislature, had left him nothing more to do than second the motion, which he did with the most heartfelt satisfaction; being convinced, that it was an object, to the completion of which the very respectable part of the constituent body of the nation, by whom he was delegated, looked anxiously forward.

Lord *North* said, as the hon. gentleman had called upon him to state his opinion of his proposed Bill, and to inform the House what conduct he meant to pursue, with respect to it, he would very candidly declare, that his opinion on the subject was not at all altered from that he entertained last year; and that though he did not disapprove of the plan *in toto*, yet the parts which appeared to him to be proper to be adopted, bore so small a comparison with the whole of the very comprehensive scheme, that he should be obliged to oppose it in some future stage of the Bill. He did not think it would be decent or candid for him, upon his own private opinion, to set his face against the Bill in its first stage, by opposing its introduction, since there were many new members in the House, who, though they might have a general knowledge of the subject, could not be properly informed upon it to determine what line of conduct to pursue, until the first reading of the Bill, when he presumed the hon. gentleman would move to have it printed; by which means the members would be put in possession of all the necessary information, and then it would become his duty to suggest such objections and observations to the House as might occur to him.

Leave was given to bring in the Bill.

Feb. 19. Mr *Burke* brought in his Bill.* It was read a first time, and ordered to be printed, and Mr. *Burke* moved, that it should be read a second time on Thursday.

Earl *Nugent* objected to its being read on that day. It was too early for so im-

portant a purpose. There were many young members who could not be conceived to be in possession of the plan, large and comprehensive as it was, and who could not make themselves masters of it in so short a time. Gentlemen would consider that there was not one day before Thursday on which they could read it with the attention which it deserved, since it could not be printed before Wednesday morning, and Wednesday was the fast day. He was one of those who thought that there was a great deal in the Bill which parliament ought not to adopt, and something which, perhaps, upon consideration they might find to be proper and wise; it comprehended various innovations unprecedented in our constitution, and which merited the most mature deliberation. Many weighty arguments had been urged against it last year, and principally this, that it tended to violate the sacred rights of property. Yet he would freely acknowledge, that several clauses of the Bill met his hearty consent, for that man must be absurd or profligate who would deny that œconomy was necessary, or insist that corrupt influence ought to be supported; he was of opinion, however, that the Contractors Bill would answer almost every purpose which the Bill was intended or calculated to effect. He concluded with moving an Amendment, by inserting the words "Monday the 26th," instead of "Thursday the 22d."

Mr. *Burke* ridiculed the idea of the House being unacquainted with the principle or the tenor of his Bill. There was not a member, new or old, who did not know its nature and tendency at this moment as well as they could possibly do if the reading of it again was put off for months. The principle was known; and as to the other objection of the noble lord, that some of its provisions were fit, and some the contrary, he would not be so disorderly as to follow the noble lord into that consideration; that would come in proper time, when the Bill was in the committee. The noble lord's reasons for putting it off then in this respect would be just as applicable at any other time, and for any farther and continued delay, as they were now. One reason which the noble lord had assigned was peculiar, and adapted to the occasion. Wednesday was a fast day—so much the better—it would bring along with it leisure and relaxation to the noble lord and others, now

* This Bill was exactly the same as the one brought in last year; a copy of which the reader will find at p. 111.

indefatigable in their attendance, and there could not be an object more proper for their employment, on a day of fasting and humiliation, than the Bill upon the table. It would bring into their view the measures and the misfortunes for which the day of fasting and prayer had been appointed, as well as their remedy; it would shew them the pride and the influence that had reduced us to our dangerous and necessitous condition—the insolence that had concluded in supplication—the tyranny that had brought us to concession: it would recal to their memories the oppressions and the weaknesses, the cruelties and the crimes of the state, and their contrition would be strengthened by the proofs of its necessities; here they would see prodigality producing poverty; corruption, slavery; ambition, ruinous war; tyranny and oppression, resistance and revolt; and as the day was a day of fasting, that bill would serve them in the place of a dinner. Instead of the grace, they should have the preamble. The board of works would be one dish, and the board of trade another. The noble lord would also find the humiliation that was befitting the day in that Bill. He would find provisions thereof, sufficiently humiliating to those who sat upon the bench which he occupied in that House. In short, he would find the best employment for a day of fasting, prayer, and humiliation, in a Bill calculated to abolish places, pensions, and sinecures, and retrench the extravagance of government. But he believed it was not on account of fasting, but of feasting, that the Bill was to be delayed. It was not because Wednesday was the fast day, but because Thursday was the benefit day of Mr. Vestris, the French dancer. This was the true reason. It would be shameful to think of their constituents, or to think of their country, when Vestris was to dance. It would be dreadful to set about retrenchment and œconomy, when Vestris had advertised for a benefit. What was the salvation of a state compared with the interest of Vestris! In the piping times of peace, he said, he would dance as willingly as any of them; he was fond of pleasure, in a season of joy: but now his mind was occupied by more melancholy considerations than dancing. But to a great part of that House, a dance was a much more important object than a war; and the Opera house must be maintained, whatever became of the country. For

his own part, he was no enemy to merit of any kind, either of the heels or of the head; and he formed no design against Vestris, by moving for the second reading of his Bill on the day of his benefit; but the treasury-bench had taken care of that interest which he had forgotten. He promised the noble lord then, that if he would procure his Bill to pass, and the reform to take place, he would have no objection to make up to Vestris what he might suffer, by giving him the profits of one of the places to be abolished. The hon. gentleman concluded with a serious appeal to the House against that abominable spirit of levity which thus drove them from business of national importance to the entertainments of a theatre. And considering it as an insult on the grave dignity of parliament, to delay the consideration of the Bill on such a pretext, he would abide by his motion, and divide the House.

The House divided on the Amendment: Yeas 89; Noes 77.

Feb. 26. The order of the day being read for the second reading of the Bill,

Mr. *Burke* desired that the Journals of the 6th of April 1780, containing the resolutions of the House, that the influence of the crown had increased, was increasing, and ought to be diminished, might be read; they accordingly were so. He rose again and said, he should not offer any more arguments then in support of the motion, having recently trespassed so long on the attention of the House. He would content himself with only remarking, that if there should appear in the Bill, on its being read, any little inaccuracies, not immediately defeating its general scope and tendency, such imperfections ought not to be adduced in argument against its commitment, for in the committee every requisite correction would be admitted. One of these obviously was a clause for reducing the board of green cloth, and executing the dependent offices by contract, which being given up on all sides last year, should have been struck out of the Bill, but had remained in it through inadvertency. This he should readily agree to alter in the committee, and therefore hoped no gentleman would build an objection upon it. If the general principle of the Bill was concurred in, every difficulty would vanish.

Mr. *De Grey* intreated the indulgence of the House for a few minutes, that he might offer his objections to the Bill be-

fore them. This was the proper stage, since his objections lay chiefly against the principle of the Bill. He begged to be understood to mean no disrespect to the hon. author of the business. There was no man in the House who more sincerely revered the abilities of that gentleman than himself; but in the consideration of a great national question, he trusted he should be forgiven for preferring duty to esteem, and for offering with humility his objections to a Bill even introduced by that gentleman. He viewed it as a Bill the principle of which would be more injurious than the object would be beneficial. If œconomy was the only purpose of the Bill, it would be impertinent in him or any man to say a word against it. The necessity was evident; at all times it was useful and proper; but in the present situation of this country, involved in a most expensive and calamitous war, it was peculiarly necessary; but œconomy was not to be purchased at the expence of principle; it was not to be procured by the violation of sacred rights; he must not commit outrage to find resource, or destroy the constitution to save the country. It was on this ground that he must oppose it; he disapproved of the means by which the end was to be procured. The Bill pointed out and connected the objects of the reform, as well as the manner of carrying the plan into execution, so far as the plan extended; the whole system therefore was before the House, and being enabled to compare the principle with the object, the means with the end, he must object to it, for the one was charged with much more injury than the others could be productive of benefit. The Bill coupled two objects, which in his opinion ought to have been kept separate and distinct, the resumption of a part of the civil list, and the regulation of the public offices. With regard to the first of these objects, it was with the utmost delicacy that he should presume to speak of it, because he thought that nothing but the last stage of political necessity could justify the House in applying to a remedy so sacred. That the House was competent to enquire into, and correct all abuses in the public expenditure, and in the management of the money granted by parliament for the services of the state, was beyond a doubt. It was an inherent fundamental right, vested by the constitution in the legislature. But that the civil list revenue was to be ranked under that

head, and to be included under the same power, was a question which yet remained to be tried: a question on which he trusted the House would not be over-anxious to determine. The civil list revenue of the crown was granted by parliament in the most solemn and substantial form, and granted at the same time for purposes constitutional and necessary. To resume that grant could not be done, in his opinion, without the violation of a solemn engagement; an engagement which had been made with the best of motives, after the most serious deliberation. The House had not at any time interfered with the privy purse. Even the secret committee of 1741 had held it sacred. The Act for establishing the King's civil list passed in the first year of every reign, and was granted to him for life; it freely and unanimously gave him 800,000*l.* and since the last Act passed, it had been increased by a grant of 100,000*l.* a year, also given for life. Such was the bargain made with his Majesty in lieu of the crown lands. The fit time to have agitated such a question as the present was, when this additional sum was desired; but while the words 'for life' stood in these Acts, he should never consider the civil list in any other point of view, than that of sacred private property; as much so as the estate of any private gentleman. A pension Bill had been proposed to the House and rejected, because it tended to break the engagements of parliament; because it tended to resume that which had been granted, under solemn faith, for a certain time. After a father, said the hon. gentleman, has made an establishment for his son, would he, if he thought his son kept too many servants, take upon him to discharge some of them and apply their wages in another manner? Surely, he would not, especially if he had lately increased the establishment. He would have talked about retrenchment when the request for more was made. The dignity of the crown was connected with the independence: but by the resumption of this grant, the parliament rendered the crown dependent upon that House; a situation at once humiliating and unconstitutional. The object of resumption should at least be adequate to the injury; but in this case it was not so. The saving proposed by the reduction of offices and places was immaterial, when considered as a public object, and when compared with the expenditure and the necessities

of the state. At a time when we were obliged, by political necessities, to go into great, and indeed enormous expences, it was a trifling consideration, that by the reduction of a great number of places and pensions, a saving should be made of 200,000*l.* a year. And that for this reason we must violate the property of individuals which had been rendered sacred by acts of parliament, and considered by themselves and by the world, as secure and permanent as freehold estates. When pensions or places were bestowed on individuals as rewards for meritorious services, or tributes due to extraordinary talents; he must consider them as sacred property, not incident to resumption, nor within the controul of parliament, until they had first declared and provided by a special statute, that their grants of places and pensions for life, meant to continue in force no longer than the parliament should please. It was a resumption which the House could not make either with right, with decency, or justice. The influence of the crown was spoken of, as too formidable for the liberties of the people. This was said without being proved. No arguments were advanced to prove the existence or the increase of this alarming influence: but surely gentlemen would remember that a sum very little inferior to that with which the crown was invested at the time of the Revolution, and which no doubt, after the most mature deliberation, was esteemed to be no more than equal to the power of prerogative which had been abolished: 700,000*l.* was granted at that time, and at two different periods since, that House and Parliament had recognized the grant, and added 200,000*l.* to the original sum. This was confirming the idea of the independence of the crown, and it took away, in his humble opinion, the power of resumption. For it was not a question of power, nor of right, but a question of property. The House were to enquire whether the object was adequate to the end; whether the resumption was a thing which would produce valuable retrenchments, without giving a shock to the constitution; whether the diminution of the respect, the grandeur and the pomp of the sovereign, was not an injury to the nation much more material, than the revenue which could possibly arise from such a measure. After these considerations he was convinced they would find that it would be inconsistent with pro-

priety, and consequently with prudence; he said with justice, also for another reason; and that was, that the public had been gainers by the bargain which they had made with the crown, to the amount of more than 100,000*l.* a year. He here quoted a page in the Journals of 1777, where it appeared from a paper presented at that time, that exclusive of the 500,000*l.* voted in 1769, there was then a balance on the bargain in favour of the public of 1,800,000*l.*

He commended the Bill for not intending to resume the exchequer offices during the lives of those in possession or reversion: he said, those advantages were enjoyed by the families who held them, as the rewards for the labour and services of their ancestors, and they operated as a stimulus to the ambition, the honest ambition of their successors. Here he mentioned the duke of Richmond's grant, and the declaration made by a member of parliament in king William's time, "that he wished to make the king a freeholder as well as himself." Having stated both, he went on to observe that with regard to secret service money, it had always been a delicate question, and that the Journals afforded various precedents, whence it appeared, that when the House actually addressed the crown for an account of the application of secret service money, it was absolutely refused, the crown declaring, that to comply with such a requisition, would not be for the public benefit; an answer that had always been acquiesced in. He put the case, supposing that the exchange had not taken place, and that the king enjoyed his grandfather's revenues; would the House have alienated them, and which of them? Some were of very ancient date; and several were exchanged in Charles the 2nd's time, for divers prerogatives given up by that monarch. If the principle were once admitted, he contended, that the crown would have no independence left. Judge Blackstone had observed, "That every prince, in the first parliament after his accession, has by long usage, a truly royal addition to his hereditary revenue settled upon him for his life, and has never any occasion to apply to parliament for supplies, but upon some public necessity of the whole realm. This restores to him that constitutional independence, which, at his first accession, seems, it must be owned, to be wanting."

Supposing the Bill to have passed, to

what a state would his Majesty have been reduced! for it would not be merely the royal assent, but the precedent was the matter of difficulty. So that the king must either refuse his assent, (and if this Bill, or any like it passed both Houses, he hoped that would not be the case,) or he must give up an independent life-rent for a precarious establishment, liable to be diminished or revoked by future parliaments, just as their caprice directed. The hon. gentleman who brought in the Bill, had complimented the king of France on his œconomy; he begged the House to consider that the civil list in France and in England, were so extremely different, that no true comparison could be made; but even if it could, he trusted gentlemen would consider the whole of the French king's conduct; that they would oppose his unjust war to his œconomical reform; and upon the balance, he believed it would be found that the advantage did not preponderate so greatly in favour of France as to alarm us. Bad faith was always bad policy, and he had no doubt but the great evil of the war would swallow up the lesser good of the œconomical retrenchments, which would go but a little way indeed towards carrying it on. We ought not to take our ideas of retrenchment, and of œconomy, from the example of France. Their constitution, and their revenue, was so different from ours, that there it might at once be politic and prudent. A considerable saving might be made, and œconomy might contribute to patch up the injustice of the war in which they were engaged. The œconomy and the retrenchments which had been made by the ministers of France might do something to the fame and the glory of the reign; but it could not purge away, nor compensate for the injustice of the war, for which the retrenchments were made. What was politic and prudent in France, might be the contrary in England, and it was so in this instance: it was improper to take from the dignity of a British king, because the dignity of the crown was connected with the dignity and opulence of the nation. At the same time he declared that Great Britain had better prospects, and a more reasonable ground of exultation; every attack that had been made on the crown, and on the legislative authority of parliament, had been repelled, and he hoped every man, both within those walls and without, would ever hold it in his mind, that this war was not be-

gun to support the power of the crown, but because the crown refused to accept the allegiance offered it, independent of the legislative authority of parliament. He hoped also, that it would be universally remembered, that the constitutional liberty of the subject had always been anxiously and religiously adhered to at home, and the law of nations and the faith of treaties uniformly observed towards foreign powers. He reverted to what he had said in the outset, that the Bill contained two objects incompatible with each other. If it related merely to the regulation of the public offices, it would be in his opinion proper and right for the House to permit the Bill to go into the committee; where alterations of the objectionable parts might be made, as mentioned by the hon. mover of it; but as it also contained a principle of resumption derogatory to the honour of the crown, and which was both hard and unjust, he must object to it in this stage.—He made a few observations on the various objects of the various clauses of the Bill, and said, as the principle was then the proper subject of discussion, he did not consider himself at liberty to go into them much at present; he hoped, however, as they amounted to a degradation of royalty, the House would never submit to them. He concluded with saying, that as the Bill was unjust in its principle, he was clear it would be impracticable in its execution, and therefore he should vote against the second reading.

Mr. *John Townshend* said, he should give his hearty support to a Bill that had for its object consequences of such great national importance as the saving of public money, the applications of that saving to the use of the public, and a reduction of the increased and increasing influence of the crown. But though these were great objects, the Bill had another, if possible, still more essential object in view. For when the Bill had received the royal assent (and to suppose it would not receive it on the grounds of public distress would be highly indecent) it would prove to that House and to the world, that the crown really feels for the distresses of the kingdom; that it is unwilling to avail itself of too liberal an augmentation of revenue; that it is desirous to remit to distress what may be supposed to have flowed from prosperity. It would be the bond to connect together more firmly the affections of his Majesty and his people. It

would prove that we have all one common union, one common happiness, and one common fortune: that his Majesty cannot wish to plunge the country into wars contrary to its interest, since the crown means to sink its own revenue in proportion to the diminution of the property of the subject. He observed that Mr. De Grey had objected to the Bill on the principle of its being a resumption on the crown. Mr. Townshend said, he should speak upon this ground with peculiar diffidence, because it belonged only to persons of much superior knowledge than himself to speak upon it with confidence; but he had always understood that parliamentary resumptions were no new proceedings. Undoubtedly it was an ungracious task; it was irksome and painful in that House to be obliged to resort to the revenue of the crown for assistance even in a time of extreme need. But though it was painful, it was proper. It was strictly conformable not only to the inherent virtue and authority of the House, but also to the example of precedent and custom. Resumptions had been common and frequent in former periods of our history. From the time of Henry 6, to Henry 8, not a reign passed without parliamentary resumptions, and these were not merely resumptions of grants made by preceding sovereigns, but of grants made by the king himself for the time being. In the reign of Henry 8, an act of parliament passed for the abolition of sundry needless offices and unnecessary pensions, and the ground of it was very remarkable,—it was to enable his majesty to defray his charges in maintaining his expensive war “against our ancient enemies the Scots.”

He was well aware, he said, of objections that might be made to the instances he alluded to upon this principle, that these resumptions of different parliaments were not of grants made by themselves, but that in such cases they acted as arbitrators, in a manner between the crown and the subject: whereas in the present instance it might be said in contradistinction, that parliament resumes upon its own grant, defeats its own act, and violates its own contract. But if this reasoning be admitted, on what principle are any of the former resumptions to be justified? For when the crown passed the acts above-mentioned, did not the crown then defeat its own grant, and act in violation of its own contract? But in general what were the causes of those resumptions? Why,

public distress and public calamity. In some few instances he allowed the impropriety of the grants themselves might have been the occasion of resuming them. Nor indeed would he deny the force of such argument applied to the present occasion. But in general the distresses of the country were the foundation of these resumptions. And could any one assert that the crown could formerly, in its legislative capacity, on these grounds resume upon the subject to whom it had made a grant, but that the parliament, in the same legislative capacity, and on the same grounds, cannot resume upon the crown, which is the grantee of parliament? What was parliament used to say on former occasions to the subject? It said, “It is very true the crown has made you this grant, we acknowledge it to be your own private, distinct, separate property; and we are very sorry to be obliged to concur with the crown in the necessity it is under of defeating its own act. But the exigencies of the state require that you should not be enriched with that wealth which would relieve the distresses of the country.” If this was justice in the crown towards the subject, why might not parliament now say also to the crown, “It is true we have made this grant to you; we wished to place you in a state of magnificence and splendour; we wished to shew every mark of our affection for your royal person, and of respect for your situation; but the condition of the country is different from what it was when we made the grant; we were not then engaged in war with four powerful enemies, we were not then pressed under that load of debt which now overwhelms us; and if on the grounds of public, universal distress, we now desire a resignation on your part, we must be no more considered as violators of our grants to you, than your predecessors were of their grants to their subjects.” Public distress was the unhappy apology of both proceedings; and will any one contend that such a cause would uphold the propriety of a general resumption of the whole estates of numbers of subjects, and that it will not support the justice of a mere partial resumption of only a part of the revenue granted to the crown? With respect to the hardship of the case, he asked, if the pressure was not much heavier in the case of the subject, than in that of the crown? The subject gave no assent to the act but an implied virtual consent by representation; whereas the crown is

its own person, in its own right, and by its own voice, seals and confirms its approbation of the act. *Volenti non fit injuria*. It becomes, then, a voluntary resignation of part of that gift to those persons who, on their part, as voluntarily conferred it, who conferred it with liberality, who expect the resignation of it with regret, but who are compelled to require it by the urgent demands of necessity. It was, undoubtedly, a hardship, but it was a hardship on the people, devoted as they were to the family on the throne, and anxious for the grandeur of the sovereign, to be obliged to request the crown to contribute to the emergencies of the state. At the same time it ought to be remembered, that if they were put to the severe necessity of applying to the crown for participation and retrenchment, it was a task imposed upon them by the ministers of this country, whose misconduct and extravagance had reduced us to the situations that rendered economy necessary. It was from these ministers that the application had sprung, who madly involved us in impolitic wars, first with our own subjects and afterwards with the half of Europe.

Having established the principle of the Bill, he next animadverted upon Mr. De Grey's observations respecting the smallness of the saving proposed, and the improper tendency of the Bill. With respect to the first observation, he contended that the saving of nearly 200,000*l.* was by no means an inconsiderable object. The argument of the hon. gentleman who spoke last was curious indeed—considering the many millions that had been and were yet to be expended, such a saving as this was too trifling to deserve the notice of parliament. It is confessed that we are steeped up to the very lips in poverty, but economy is not the way to relieve us. How, then, are we to be relieved? Is the country to recruit itself by parliamentary inattention, and is it to be restored to its health and vigour by an obstinate persistence in the prodigality of expence? But, it was not the mere saving proposed that recommended the Bill to his support. Another object of it had still greater weight with him; he meant the reduction of the influence of the crown. The Journals of the House had recorded the fact, and if they had not done so, yet every serious mind now yielded an honest confession of the truth of it. The increase of influence had been before acknowledged by persons whose profession perhaps did not lead them

to be extremely hostile to its exertions. The hon. gentleman had quoted an observation of judge Blackstone's; but did he not remember that 700,000*l.* had been stated by sir William Blackstone as an ample provision for the crown? His language on this subject is, "That much indeed is given up by the crown, but much also is acquired by it. That the stern commands of prerogative have yielded at length to the milder voice of influence." Perhaps sir W. Blackstone would not have thought that 65,000*l.* per annum added to the crown by late deceases in the royal family, and an additional grant of 100,000*l.* per annum would render this mild voice of influence less engaging and persuasive.

He went on to observe, that objections had been made to the Bill, because it did not adopt the proper constitutional method of proceeding in cases of misapplication of the civil list, which method used to be by parliamentary impeachments. But he argued, that nothing could be so nugatory as a parliamentary impeachment, when perhaps the very tribunal before which the cause was to be brought, had been tainted with the malignity of its infection: when the majority of those who carry on the prosecution are supposed to have been the objects of the guilt of the criminal, the partners and accomplices in his crimes. He said, that the Bill meant to destroy the evil at once, by sapping the very foundation of it: that it was one of those evils which demanded prevention, otherwise it would be in vain to think afterwards of the mode of punishing the criminal—"Cætera maleficia tum persequare ubi facta sunt: hoc vero nisi provideris ne accidat, ubi evenit, frustra judicium implores."

But there was another consideration which ought to have material influence on their minds—the duties under which they lay as representatives of the people. Suspicions had gone abroad of the virtue of that House, and the nation were loud in their clamours: it was said that they were shamefully corrupt; that they were the creatures of the minister; and instead of being the constitutional guardians of the people, were their worst enemies: that they were at once the creators and the creatures of influence. The House of Commons were pernicious when they stood between the crown and the people, hiding and encouraging the attacks on the constitution. Such suspicions had gone abroad; he could not say with what truth. Perhaps it might be proper in some instances

to curb and punish popular licence; but at the same time it was exceedingly becoming the House, and every national assembly, to attend to the suspicions that were formed, and endeavour to crush them by removing the cause. It was necessary to their reputation that they should on that night assert the right, and the duty of parliament, and convince their constituents, that their suspicions were premature. It was their duty to set a virtuous and an honourable example of retrenchment, by which public spirit would be fortified, and the nation united in one common idea of common interest. It was their duty to point out this conduct to their sovereign, since it was necessary to the true dignity and grandeur of his subjects, that he should teach by example how to sacrifice private enjoyments to public welfare—to shew them that he took an interest in their sufferings, and called upon them for no exertion to which he was not anxious to contribute: that he would participate in their sufferings, as well as in their success. Such conduct would be the means of general conciliation; it would restore character to parliament, and would unite a sovereign with his subjects; and such conduct it was their duty and their interest to adopt. It was well known, that great obloquy had been cast against the honour of that House. If these were false imputations, this was the moment to refute the malignity of such calumny, and to vindicate their lost reputation. He reminded the House of an exemplary instance in Roman history. When Verres was brought to trial by his accusers, the judges (who were of senatorial order) were supposed to be so corrupt, that the people wished to have the jurisdiction transferred into other hands. The friends of liberty despaired of his condemnation, and his own party considered his acquittal as certain. The judges, however, roused by such imputations, proceeded to try the criminal with the impartiality which their situation required, and with that scrupulous attention which the importance of the charge naturally excited. They saw his guilt, and they punished it with banishment. There is now before you, said Mr. Townshend, a criminal much more flagitious and baneful than Verres. Of his guilt you must be fully satisfied; and if you have any regard for the dignity of your own honour, if you have any ambition to emulate those, who, by a single act of determined in-

tegrity, redeemed the lost character of their order, you will inflict the punishment due to the criminal before you, by sentencing him, in like manner, to perpetual banishment.

Mr. Charles George Perceval* disapproved of the Bill, as improper to be supported in principle. He thought it highly unbecoming and unjust, in that House to attempt to seize on the civil list revenue of the crown, and reduce the sovereign to a state of humiliating dependency. He denied that the people were for the measure. Their rejection of its authors at the last general election, was to him a proof of their disinclination to the plan proposed. The attempt was unjust, as well as ungracious; it derogated from the dignity of the crown; and was a measure which betrayed the weakness more than the policy of the country. He would not have given his consent to the Resolutions of the 6th of April 1780, because he conceived that such a proposition was unfounded. The Bill contained principles opposite to the just rights and privileges of that House. He denied the truth of the assertions, that the present parliament was bound by the resolutions of the last. He, as a member of the new parliament, saw no reason to hold himself bound by resolutions to which he did not consent when they passed. He said he would never consent to outrage the sovereign with a requisition of his fortune. If retrenchments were to be made in the royal household, they ought to be left to the voluntary surrender of the crown. We ought not to prevent the exercise of royal benevolence. It was ungracious to enter into the royal apartments and new model the management of his state. The civil list revenue had been granted by parliament for an adequate consideration, and upon an honourable and advantageous bargain. To resume it would be a breach of fidelity, as well as a flagrant attack upon the dignity of the crown.

Mr. Powys contended warmly for the right inherent in the House to check and controul the public expenditure; and for the benefit of the plan proposed in the Bill. He trusted to go into a committee, in order that it might receive the serious investigation of the House, and that such parts as were objectionable might be disapproved of, and the remainder be carried into execution. He called upon the

* The present lord Arden (A. D. 1814).

House to remember the resolutions of the 6th of April. Nothing had been done in consequence of those resolutions, and they remained upon the Journals as monitors to the present parliament of their duty, or as monuments of their disgrace. They were pledges given to the people by the last parliament, that their petitions should meet with due attention, and the grievances complained of be redressed. The Bill was founded on the petitions of the people, and went immediately to one of their great requisitions—the desire of reformation and œconomy. So perfectly conscious of this was the last parliament, that no gentleman had then ventured to oppose the Bill on its second reading; all sides of the House admitting the principle in its fullest extent. To what, then, was the present opposition to be ascribed? Had any thing happened since to induce gentlemen to change their opinions? What revolutions in the political hemisphere had induced such an alteration? Did gentlemen imagine that œconomy was less necessary, or that the nation was more affluent in consequence of a war with Holland, our old ally? Or had the prospect of a war with all the northern powers occasioned such a sudden influx of wealth, that extravagance was not so criminal now, as it appeared to be last year? That it was the sense of the majority of the people, that the Bill should pass, he was as sure as he was of his existence; to what, then, was the present resistance to be ascribed? He trusted that it would not be found that the old members had been actuated by the approach of the dissolution; and that the young ones would not so soon commit a public breach of the trust and confidence which they had met with from the people of England, as to oppose this Bill in its principle. He asserted that the people of England had not changed their sentiments, though the mover of the Bill was not intrenched with their petitions; but they had infused the spirit of them into the Journals. He said that that House had abandoned fortune and embraced a cloud; they had forsook the substance and the body of relief, and had taken a shadow and an empty name. In this he alluded to the commission of accounts, which he treated as a mere whim, ridiculous and absurd.

Earl *Nugent* declared himself a zealous friend to public œconomy. Without it, he was persuaded this nation could not be saved; œconomy, in our public expendi-

ture, was as necessary as firmness and wisdom in our councils, as valour and conduct in our expeditions and enterprizes. But it did not follow either that he ought to, much less that the House should, embrace every œconomical project that was offered, however plausibly introduced, however respectable the quarter from which it came. No man in that House entertained a greater degree of esteem for the hon. gentleman who introduced the Bill than he did; he knew his integrity, and he had seen many proofs of his zeal to serve his country; great, therefore, as his abilities were, they were not, he was convinced, superior to his virtue. The hon. gentleman, however, must pardon him, if he did not agree with him entirely as to his Bill. In sincerity he would say, he disapproved of it totally, and he would tell the hon. gentleman why he did so. The title of the Bill was a good one: the preamble also had something catching in it; but what was the object of the Bill itself? To introduce an unconstitutional innovation; and to resume from the crown what had been solemnly granted to his Majesty for life. To such a proposition he never would consent, notwithstanding what had been said of the resolution of the 6th of April, which declared the competency of the House to correct and examine abuses in the expenditure of the civil list revenues. That resolution passed, as gentlemen well knew, at an hour when such was the temper of the House, that it would have been madness to have opposed it. It did not follow therefore, that every gentleman approved of it. He never had, nor could he think that (allowing that resolution all the respect due to an entry on the Journals) it followed of course, that the present Bill ought to be adopted. What! would that House consent to degrade the sovereign, diminish the lustre of the crown, and reduce his Majesty to a worse situation than that of any private gentleman in his kingdom? Would they deprive him of the management of his income, and put him into the situation of a minor, by obliging him to submit to the tutelage of parliament? The Bill interfered with the privy purse, and took away the independency of the crown: to admit it to pass, would be to reduce his Majesty to the condition of a mere titular monarch; a king without power, a king but in name, like the king of Poland, or a sovereign like the doge of Venice, altogether dependent on others, and sub-

ject to their capricious controul. Let gentlemen consider, that such a measure would essentially wound the constitution; for each branch of the legislature, each of the three states ought to have its share of independency, and surely the first state, that which was clothed with the supreme executive power, should never be rendered less glorious, less independent, than the other two. The real beauty and excellence of our constitution was its nice equipoise, that equal balance, which gave it stability, and at once secured the crown in its legal rights, and the people in their freedom and immunities. The present Bill went directly to move the balance and destroy the equipoise; let the House, therefore, however much they might be convinced that some of the branches were rotten, take care in their attempt to remove the dead wood, that they did not destroy the trunk of the tree itself. The hon. gentleman who had introduced the Bill, he did not doubt, really believed it would have the salutary effect he had dwelt on, when he introduced it with such a warmth and earnestness of commendation. Other men, and men of great wisdom, had been equally deceived. Plato, for instance, and he flattered himself he should not offend by comparing the hon. gentleman to Plato. The hon. gentleman's project was as impracticable as Plato's Commonwealth, or sir T. Moore's Utopia. In describing its good effects, the hon. gentleman had been describing the purity of his own mind, and without knowing it, it was that which the hon. gentleman wished to reduce into practice; but the times were too bad, and dissipation too general, to render his honest endeavours successful. There were 13 pages in the Bill, and 27 clauses which related to the civil establishment; he appealed therefore to every gentleman present, whether it was likely, that so heterogeneous a mass of matter, however plausible in theory and speculation, could easily be carried into execution? But this was not his only objection to the Bill; the title of it was not its true description; for the title said, that the monies saved were to be applied to the public service, whereas there was not one word in the Bill which enacted such an appropriation; on the contrary, it was expressly enacted, that the balance of the Civil List revenue should, after all savings, be laid out for an establishment for the use of the royal family.—Therefore, he repeated it, the Bill did not

apply the savings to the use of the public as it pretended. If the Bill had appropriated all the savings to the public service, something indeed might have been said for it: his objections would have been fewer; but as it was, it surely had not the pretensions to encouragement. Economy was most essentially necessary; nothing but the most rigid economy could possibly save us. The Treasury could not bear a greater load than it now had. But instead of harassing the minister with these chimerical notions, all our ideas should be consolidated in general exertion and simple economy. The minister must be a Jack of all trades, he must understand every thing, to be able to go through his business. He wished for economy, but he would not procure it, by setting the King down to an ordinary, and making him more dependent than any man in his dominions. All the advantages which were likely to flow from the present Bill, and many more, much more important benefits, would arise from that commission of accounts which the last gentleman had so affected to despise. Surely the hon. gentleman had not read the two reports delivered in by the commissioners: if he had, he would have seen therein substantial benefit already derived from that commission, as a pleasing earnest of what was to come; he would have seen five or six public spirited gentlemen, indefatigable in the pursuit of their object, detained by no recess of business, and biassed by no partiality, doing for the public what had long been requisite, by securing, in the first place, an immediate transition of public subsidies from the nation at large to the coffers of the state; and in the second, that money should no sooner be issued from the Exchequer than it was wanted for the public service. In one tax alone they had ascertained 650,000*l.* to be in the hands of the collectors, which he would venture to say was a national benefit, far more important than any the present Bill could produce. But after all, if the Bill passed, did gentlemen who had dwelt with so much energy on the petitions presented last year, think that this Bill would satisfy the petitioners? Undoubtedly it would not. Their objects went much farther. What said the associations? Give us annual or triennial parliaments. Every man in the kingdom now set up for a reformer, at least every man wished to be a legislator, and vote at elections. How expedient, how practicable, how salutary such a mat-

ter would prove, the House might judge from what had happened lately at Coventry! He apologized to Mr. Burke, and said he meant no reflection on him, when he talked of state tinkers, but such were now to be found almost in every country town; there were those among the crowd of modern reformers, who, not content with tinkering the British constitution, attempted to tinker that of Ireland, and would fain have new hammered it; for his part, he did not admire such workmen, they might do much mischief, and injure that which he verily believed would not receive any benefit from their labours.

The Honourable *William Pitt*,* son to the late earl of Chatham, now rose for the first time, and in a speech directly in answer to matter that had fallen out in the course of the debate, displayed great and astonishing powers of eloquence. His voice is rich and striking, full of melody and force; his manner easy and elegant; his language beautiful and luxuriant. He gave in this first essay, a specimen of eloquence, not unworthy the son of his immortal parent.

He said, that he gave the most hearty consent to what had fallen from his hon. friend on the other side of the House—that a proposition for the retrenchment of the Civil List revenue ought to have come from his Majesty's ministers. He gave his entire approbation to this sentiment. It would have come with more grace; it would have come with more benefit to the public service, if it had sprung from the royal breast. His Majesty's ministers ought to have come forward and proposed a reduction in the Civil List, to give the people the consolation of knowing that their sovereign participated in the sufferings of the empire, and presented an honourable example of retrenchment in an hour of general difficulty. They ought to have consulted the glory of their royal master, and have seated him in the hearts of his people, by abating from magnificence what was due to necessity. Instead of waiting for the slow request of a burthened people, they should have courted popularity by a voluntary surrender of useless revenue. Far more agreeable would it have been to that House to accede, than to propose; much more gracious to have observed the

free exercise of royal bounty, than to make the appeal, and point out what was right or what was necessary. But if ministers failed to do this; if they interfered between the benignity of the sovereign and the distresses of his people, and stopped the tide of royal sympathy, was that a reason why the House of Commons, his Majesty's public counsellors, should desist from a measure so congenial to the paternal feelings of the sovereign, so applicable to the wants and miseries of the people? The natural beneficence of the royal heart would be gratified by the seasonable remittance. And surely it was no reason, that because ministers failed to do their duty, the House should cease to attend to theirs. Acting as the faithful representatives of the people, who had trusted them, they ought to seize on every object of equitable resource that presented itself; and surely none were so fair, so probable, or so flattering, as retrenchment and economy. The obligations of their character demanded from them not to hesitate in pursuing those objects, even to the foot of the throne; and, actuated by duty, to advise the crown to part with useless ostentation, that he might preserve necessary power; to abate a little of pomp, that he might ascertain respect; to diminish a little of exterior grandeur, that he might increase and secure authentic dignity. Such advice would become them, as the counsellors of his Majesty, and as the representatives of the people; for it was their immediate duty, as the Commons House of Parliament, to guard the lives, the liberties, and the properties of the people. The last obligation was the strongest; it was more immediately incumbent upon them to guard the properties, because they were more liable to invasion, by the secret and subtle attacks of influence, than either their lives or liberties. It would not derogate from the real glory of the crown to accept of the advice. It would be no diminution of true grandeur, to yield to the respectful petitions of the people. The tutelage of that House might be a hard term; but the guardianship of that House could not be disgraceful to a constitutional king. The abridgement of useless and unnecessary expence could be no abatement of royalty. Magnificence and grandeur were not inconsistent with retrenchment and œconomy, but, on the contrary, in a time of necessity, and of common exertion, solid grandeur was dependent on the reduction of expence.

* Mr. Pitt entered parliament in his 22d year. He was born the 28th of May 1759, and took his seat for Appleby on the 23d of January 1781.

And it was the general sentiment and observation of the House, that œconomy was at this time essentially necessary to national salvation. This had been the language of the noble lord on the other side of the House (earl Nugent), and he had declared, that if the Bill then before the House had provided that all the monies to be derived from the reductions proposed, had been applied to the public service, he would have given his hearty concurrence to it, and would have become one of its warmest advocates. Here, then, he begged leave to join issue with the noble lord. He had said, that the savings were to be appropriated towards a fund for creating a provision for the royal family; and this clause he had found in the Bill before them; he begged to inform the noble lord, that there was a clause in the Bill which expressly stated, that the monies arising from the reductions proposed should be directly applied to the public service. The only merit that he could claim, in a competition with the noble lord, was, that his eyes were somewhat younger than his, and he would read the clause to which he alluded. He here read the following clause.

“And it is hereby enacted by the authority aforesaid, that all the salaries, lawful fees, perquisites, and profits whatsoever, belonging to all and every the offices by this act suppressed, shall cease and determine with the determination of the said offices severally, and be no longer paid; and that the commissioners of the treasury shall, within a reasonable time, make, or cause to be made up, an account of the salaries and fees now payable for or on account of the said offices severally, as also an account of all the charges whatsoever, ordinary or extraordinary, incurred for, or by reason of the said offices, during (a certain number) of years last past; and shall cause a sum to the amount of a medium of the said salaries, fees, and charges, to be annually set apart, and a separate account to be kept of the same, and to carry the said sum or sums of money, together with the amount of each and every pension as it shall fall or determine, until the said pension list be reduced to a sum (to be limited by the act), (except as in this act is otherwise provided) to the sinking fund, there to remain for the disposition of parliament.” This was the clearest refutation of the noble lord's assertion; but his error seemed to have arisen from his having taken notice

of another clause in the act, which ordains that the monies appropriated to the payment of annuities to be granted to those persons where places were to be abolished, should be placed in a fund, as they should arise by the death of the annuitants, to create a provision for the royal family. This was the error of the noble lord; he had mistaken this provision for all the savings of the plan; unless indeed he imagined that to place money in the sinking fund, subject to the disposal of parliament, was not to apply it to the public service. He might consider the blind profusion of the minister as the public service; and unless it had been left to him to be mismanaged and squandered in his usual way, it was not applying it, in his opinion, to the public service. He trusted the House would excuse him for having wanted with their patience on this point; and he, for his own part, should think his time and labour very well repaid, if thereby he had been fortunate enough to gain over so powerful an assistant and friend as the noble lord to the principle of the Bill.

It had been said by an hon. gentleman who spoke early in the debate, that the Bill connected two objects that ought to have been kept separate; his hon. friend near him (Mr. J. Townshend) had shewn that these objects ought to go hand in hand together, and had very properly contended that this was the fit moment for introducing reform and œconomy. He should add, that the Bill had a third object much more important than either of these, and that was, the reduction of the influence of the crown—that influence which the last parliament, by an express resolution, had declared to be increasing, and that it ought to be diminished—an influence which was more to be dreaded, because more secret in its attacks, and more concealed in its operations, than the power of prerogative. All these objects were not only compatible with each other, but they had a mutual connection, and ought not to be divided in a measure of reformation. In all the arguments of the noble lord who spoke last, on the subject of the resolutions of the 6th of April, he observed the noble lord's objections were directed solely to the second of these resolutions; he took it for granted, therefore, that the noble lord admitted the first. That resolution pledged the House to do something effectual in compliance with the petitions of the people; why, then,

should the House refuse to adopt the present Bill, the operation of which, in diminishing the influence of the crown, rendered it, in his opinion, much more valuable than the mere consideration of the saving it would effect?

But it had been said, that the saving was immaterial—it was a matter of trifling consideration, when measured by the necessities or the expences of the time. It proposed to bring no more than 200,000*l.* a year into the public coffers, and that sum was insignificant, in the public account, when compared with the millions which we spent. This was surely the most singular and unaccountable species of reasoning that was ever attempted in any assembly. The calamities of the crisis were too great to be benefited by œconomy! Our expences were so enormous, that it was ridiculous to attend to little matters of account! We have spent so many millions, that thousands are beneath our consideration! We were obliged to spend so much, that it was foolish to think of saving any! This was the language of the day, and it was by such reasoning that the principle of the Bill had been disputed.

Much argument had been brought to prove the impropriety, and the injustice of resuming a parliamentary grant; and it had been even said, that they had not a right to do so. It would be needless to attempt an answer to such a doctrine. It contained its refutation in its weakness. But it ought to be remembered that the civil list revenue was granted by parliament to his Majesty, for other purposes than those of personal gratification. It was granted to support the power and the interests of the empire, to maintain its grandeur, to pay the judges and the foreign ministers, to maintain justice and support respect; to pay the great officers that were necessary to the lustre of the crown, and it was proportioned to the dignity and the opulence of the people. It would be an ungracious task to investigate the great difference that there was between the wealth of the empire when that revenue was granted, and the wealth at the present time. It would serve, however, to shew, that the sum of revenue which was necessary to the support of the common dignity of the crown and people at that time, ought now to be abated, as the necessities had increased. The people who granted that revenue, under the circumstances of the occasion, were justified in resuming a part of it, under the

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pressing demand of an altered situation. They clearly felt their right; but they exercised it with pain and regret. They approached the throne with bleeding hearts, afflicted at the necessity of applying for retrenchment of the royal gratifications; but the request was at once loyal and submissive. It was justified by policy, and his Majesty's compliance with the request was inculcated by prudence, as well as by affection.

He confessed, that when he considered the obligations of the House, he could not cherish an idea that they would dispute the principle of the Bill before them. He could not believe it possible, that the principle of œconomy would be condemned, or the means of accomplishing it abandoned. For his own part, he admired the plan proposed. He felt himself, as a citizen of this country, and a member of that House, highly indebted to the honourable author of it; and as he considered it essential to the being and the independence of his country, he would give it the most determined support.

Mr. *Rosewarne* was very sensible it was a most unpopular and invidious task to oppose a Bill which held out to the public as its ostensible objects, œconomy, and retrenchment of unnecessary expences, and more particularly so at a time like the present, when he agreed with a noble lord under him, that œconomy is a virtue absolutely necessary to a nation involved in such extensive hostilities. But the ostensible objects were captivating and alluring; yet the real tendency of the Bill was allowed to be the diminishing of the extensive influence of the crown, which was declared by a vote of the last parliament to be increased, increasing, and ought to be diminished. He said, that great stress had been laid on this resolution; but though the last parliament adopted the resolution, yet when they came to apply it to practice, they could not agree in what this influence consisted, or where, when, or how it ought to be diminished, which was a strong presumption that the resolution itself was hasty and ill-founded. That since that time, there had been an appeal to the people, and that he wished to know the sense of the present House of Commons, in which there was an uncommon number of new members. That the second city in the kingdom, by rejecting the hon. gentleman who brought the Bill now under consideration into the last and pre-

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sent parliament, seemed to have given a decided opinion on this point: by this he meant not to convey the least reflection on that gentleman; on the contrary, he admired him for his great abilities and application, and was willing to presume he was actuated by motives of pure patriotism; but whatever the hon. gentleman's motives might be, the House must exercise its wisdom and discretion, and consider whether it was just, necessary, or expedient, to deprive the crown of those powers and influence it had enjoyed for so long a series of years, without any proof of their being abused, or perverted to the prejudice of the liberties and constitution of this country. That in this reign, events had happened most favourable to liberty: did gentlemen forget, that in this reign, the judges were made independent of the crown; first, by holding their places for life, and since, by a large additional salary? In this reign also passed the Grenville Act, which restored to the people the full enjoyment of their franchises, and the rights and privileges of the electors. Could a minister now say to a favourite candidate, "Go to a borough, secure the returning officer, get yourself seated, and I will keep you here at all events!" Were these trifling acquisitions? Were they not great and valuable privileges? In what did this alarming influence of the crown consist? Were the places proposed to be abolished by this Bill, newly created? Was this a reign of oppression? Were any attempts made to violate the constitution, or oppress the liberty of the meanest subject? On the contrary, was there ever a period where liberty was enjoyed in greater latitude? If gentlemen were real friends to œconomy, the truest œconomy was to unite as one man in support of government, and to repel our numerous combined enemies. The want of union had already wasted more blood and treasure than a thousand chimerical schemes could save or recover: this was the real cause of our present distress: our unfortunate want of union had protracted the war, and encouraged our rebellious subjects in America to persist in their unnatural rebellion, in spite of the liberal offers of the mother country, to join with our inveterate foes, and with sacrilegious hands, endeavour to plunge a dagger into the vitals of the parent state. Look at the effects of union in the last glorious war, and contrast it with the pernicious consequences flowing

from want of it in the present, and then say, if every true patriot ought not to join in strengthening the hands of government: not even the great and glorious earl of Chatham could have succeeded, had his plans been constantly thwarted and opposed, as those of the present minister have been; nor unless those who had been intrusted with the execution, had acted very differently from what we have experienced in the present war. Before he sat down, he must request their attention to the very particular situation in which he stood, that he not only held a place under government, ('twas indeed under the duke of Cornwall, but in the minority of the duke, was under the disposal of the crown) but that in these times of public distress, when œconomy was so justly allowed on all sides to be necessary, a very considerable addition had lately been made to the salary of his office. This was owing to the application of every nobleman and gentleman of Cornwall, who had a seat in the last parliament, to their joining in an address to the crown in his favour, which he always considered as the greatest honour and happiness of his life: that there had not, however, been wanting, those who had dared to represent this in a very different light; and to assert it was an election job, a bribe from the minister to answer the vilest and worst of purposes, to induce him to take the part he did at the last election for Truro. He then addressed the noble lord in the blue ribbon, and called on him to do him justice, whether there was the smallest foundation for the infamous charge; or whether there was the smallest interference of government on that occasion. So far from it, that even his colleague knew not a syllable of the matter, till he sent him an express at Liverpool, where he was then canvassing for a seat for his son, with an account of the proceedings of the corporation of Truro, and the resolutions made in their favour. Had the minister been weak enough to make such a proposal, he should have spurned the proposer and proposal with equal contempt. That he should not have troubled the House with any observation on this occasion, if these calumnies had been confined to anonymous publications in the newspapers; but when he found a gentleman of high rank in the county of Cornwall, who was then in his eye, with whom he had long lived in habits of great intimacy and friendship,

which he returned with equal affection, to be prevailed on by the arts of his enemies to adopt this opinion, it became his duty to clear himself of so infamous a charge. That if this charge had been true, he should not only have been unable to deliver his sentiments on this Bill as he had just done, but should have been ashamed to appear within those walls.

Mr. *Macdonald* said, he had considered the Bill with mature deliberation, and the result was that he was clearly an enemy to its principles. It contained two positions, both essential to support it, and yet neither of them proved by any better evidence than mere assertion; for first it recited, that the influence of the crown had improperly increased, and secondly, that a reformation in point of public economy was necessary. Neither of these positions, he thought, should be taken for granted without evidence to support them, and yet the House must proceed that way, or reject those hazardous innovations to which they formed a basis. The influence of the crown was said to have improperly increased; but, by what means? for the power of corruption had always remained the same ever since the Revolution. From that period to this, 800,000*l.* a year had been the amount of the civil establishment: our ancestors, therefore, in giving that, had given what they thought a proper share of influence into the hands of the monarch, to compensate for that more arbitrary and equally profitable share of prerogative he had voluntarily relinquished. If, then, 800,000*l.* worth of influence was not then thought dangerous to the liberties of the people, why should it be deemed so now? He entirely agreed with the hon. gentleman who had proved himself the deserving son of the great man whose name he bore, and whose talents were equal to the expectations that were formed of them, that to guard the property of the people was the first duty of that House; but it was not the only one. If they should be so attentive to this duty as to practise no other, and should prefer the interest of this branch of the legislature so much to the other, as to suffer an encroachment on the equipoise, they would be as criminal as if they were to become the abject tools and accomplices of the crown against the people. Democracy was as much to be avoided as monarchy, or as aristocracy. He then entered into the argument, that the crown possessed the revenue of the civil list by a contract,

on the faith of which the hereditary revenue had been given; and said, that it would be the grossest infringement of the good faith of that contract to attempt to pass the present Bill.

Mr. *Wraxall* said, he felt great timidity in rising, because he was aware that every man who attempted to object to a Bill, one declared object of which was to introduce a large and beneficial system of public economy, must stand on very unpopular ground. Projects of reform were at all times seducing to a nation, let the circumstances of the public be ever so promising and prosperous; but when a great people were struggling under a variety of pressing difficulties, when those difficulties rather increased than diminished, and when the happy hour that was to put an end to them was out of sight, projects of reform became more seductive, and therefore it was no wonder that they were grasped at with the greatest eagerness by men of almost every turn of political sentiment and opinion, because where the burthen was generally felt, every man must unite in wishing that it were alleviated, if it could not be removed. Projects of reform also became the more alluring, where they were supported by recent precedent, and upheld by the powerful aid of the most polished eloquence: he should not therefore be surprized at any aspersions that might be thrown on him, for presuming, under such circumstances as he had stated, to endeavour to draw the attention of the House to a few observations, which he had to offer in objection to the Bill. His duty, however, which should ever be his first object, impelled him to surmount every terror that he felt, and to proceed in his purpose, unawed with the dread of any consequences that might arise from it; and first, he disapproved of the grand principle on which the Bill proceeded. His objection was a radical one; he could not subscribe to the resolution of the last parliament, which asserted, "That the influence of the crown had increased, is increasing, and ought to be diminished." Not feeling the truth of a resolution come to by so respectable an authority as a British House of Commons, and which had been since so strongly insisted on by some of the ablest men of the age, he was aware that it was incumbent on him to account for his resisting the assertion, and denying the extent of it, and this he would do as shortly as possible.

He then drew a picture of the constitution of this country, and was warm in its eulogium. He declared it to be more perfect than the constitution of Rome, of Athens, or of Sparta; in short, than that of any republic either of antiquity or of modern Europe; its perfection he said, lay in the nice preponderance between its three branches, in that wonderfully correct equipoise which balanced the power of the three distinct but relative states of King, Lords, and Commons; nor need there be a greater proof of its excellence and its perfection, than the admiration, the esteem, and the applause with which it had been spoken of by the wisest men of all countries. In times previous to the æra of 1688, when the glorious Revolution was effected, prerogative was the weapon of the crown. The liberties of the people were not then accurately defined, and the people were from that very circumstance liable to many inroads and much oppression, which were exercised by that powerful engine, prerogative, under various pretences. But in 1688, prerogative was abrogated, and liberty defined. At that fortunate period of our history, when the Star Chamber, the Court of Wards, and all the execrable tyranny introduced and practised by the House of Stuart was abolished, and in its stead the Bill of Rights and Magna Charta established, the king stood, as it were, chained to the pillar of liberty. It was the great support of his reign, the sublime fabric which he engaged to erect; and who so proper to be the architect, as a prince who had been at the head of a free republic, and had been called from thence, and invited to fill the throne of a yet freer people? But still virtually and tacitly a barrier was wisely left to the crown. That barrier was influence! William the 3rd, the avowed opposer of tyranny, the guardian of the liberties of his people, and the advocate for the general freedom of Europe, was as jealous as any prince of his influence. Why? Because he saw that if influence was lost, the crown would be degraded, and the nation must soon be degraded likewise.

In order to shew that this would have been the consequence, Mr. Wraxall adverted to the history of Sweden, citing the fate of that country as an example correctly in point. He gave an account of Sweden, as it stood at the time the constitution of it was changed in the year 1718, when it was governed by Ulrica,

after the death of Charles 12, as well as upon her resignation of the throne in favour of her consort, Frederick, landgrave of Hesse Cassel, up to the year 1772, when the revolution took place. During all that period, the strong features of Sweden were faction, venality, vilification, and poverty; loss of glory, strength, and respect. The navy reduced to seven ships, the people enervated and spiritless, the government without system or public glory; till at length the nation was sunk into contempt, despised by every other European power, and the Swedes almost annihilated as a people. All these calamities, and all this disgrace had been entailed on Sweden, in consequence of the people, in the year 1718, having, when they felt sore from the oppression and rigour of the reign of Charles 12, madly precipitated into the opposite extreme, and robbed the crown of all its natural, just, and constitutional influence. After stating this pretty fully, he took notice of Mr. Burke's declaration in his speech of the 15th inst. "That France had made a reform, that Louis 16 had done it: why, then, should not we imitate so bright an example?" Few reasonings on French conduct, Mr. Wraxall said, could ever apply to England; France was a despotic, this a free country. British kings could not imitate arbitrary princes. In England the throne is built on liberty. In France it rests on the necks of 200,000 soldiers. It is upheld by farmers general, by oppression, by a servile parliament, banished at will, as the last parliament was, to Angouleme and Pontoise, and by military rigour and armed authority. But Mr. Burke had said, that "Louis 14 and Louis 15 had never made such a reform. It was left for M. Necker, a single unconnected alien, to achieve so glorious a project, and to do his royal master so much service, accompanied with so much honour." He denied the whole of the assertion. Retrenchments of the kind were by no means novelties in France. In 1689, in the reign of Louis 14, when M. Le Pelletier was at the head of the finance, three millions of livres were raised by melting down the king's plate, and three millions more from that of his nobles. Such a reform was surely a very rigorous one, and it was the more extraordinary, as it was made in the beginning of a prosperous war. Again, in 1706, when Chamillard managed the finances of France, another reform took place; and again, a

third, in 1708, when Demarets was financier. In the reign of Louis 15, cardinal Fleury's strict œconomy, and a long peace, made a reform not so requisite in the war of 1741. But in 1761 and 1762, a thorough reform, as was well known, took place.

As to the hon. gentleman's reasons for dreading France, he differed from him extremely. The hon. gentleman had declared, that he feared her on account of her reform, and on no other account. He felt a very different motive for fearing France at present. It was not on account of her powerful fleets and her great alliances. No. Neither was it on account of her reform. That could do but very little indeed. He feared her because she could devote all her finances to her navy; because she had no land war; because we have no continental ally, and because the frontier of France was secure and peaceable. There was the deep evil, the source, and the only source of real danger to this country! While the frontier of France was undisturbed, and the Rhine flowed quietly within its banks, we had every reason to be alarmed, because while matters remained in that state, France could support her navy, she could recruit it rapidly, and could add daily to its number, its strength, and its service. He was ready to subscribe to Mr. Burke's arguments relative to the two boards, and the ridiculous establishments of the duchy of Lancaster and the duchy of Cornwall, the palatinate of Chester, and the principality of Durham; he was ready also to allow, that all he had said on those topics was equally just and beautiful, but he could not agree with him that they ought to be abolished, and the reason was, because he was not for destroying the influence of the crown.

He here pointed out the great danger of popular inroad and democratic violence. He spoke of the insurrections of last summer, which he described as horrible atrocities, at the recollection of which every true friend to liberty, and every true friend to good government must shudder. He ascribed those mischiefs to a species of republican phrenzy, and touched on the danger of associations, which, though set on foot by the best lovers of their country, sometimes led to events not only totally foreign to the intentions of those who instituted such associations, but which they could not but detest and lament. In the course of the last summer, he said, every man that thought upon the subject

seriously, felt himself justified in dreading a civil war, a calamity that would have completed our misfortunes! He concluded with saying, that those who love the English people, and their liberties, must assemble round the throne. They must defend it from all attacks, as well as from the innovating projects of dangerous but well meaning theorists, as from the open assaults of its avowed enemies, otherwise the constitution itself would fall, for the stability of the throne, and the security of the people were inseparable; weaken the one, the other must necessarily be injured; for which reason he should oppose the present Bill.

Lord *Maitland** rose for the first time, and entered fully into the question, on the ground on which it had been taken up by the other gentlemen who had gone before him. He combated the arguments that had been urged with great ability and force of reasoning. The hon. gentleman who had been the author of the Bill, was perhaps the only man in this country whose powers were equal to so systematic and generous a reform. He had connected liberality with interest. He had made it policy to be generous. It was no little, narrow, wretched scheme of retrenchment, breaking in upon the dignity of the crown, or the respect of the nation; but a great and beautiful arrangement of office, calculated to ornament, instead of stripping the court. It destroyed the underwood of grandeur, the bushes under which the serpent of influence lurked, and from which, unseen, it stung and tainted the dignity of the constitution. It chased away the contaminating excrescences, and by this means it fructified, instead of injuring the tree itself. It gave stability to power, by relieving it from the burthens by which it was oppressed. It was calculated to strip off the poisonous shirt with which this Hercules of the constitution was invested, and in which he laboured in all the agonies of death. Œconomy was the remedy to which we must refer. It was the sovereign specific, by which we might yet avert the consequences of consumptive decline. Those who objected to the present Bill, in fact, declared that œconomy was not necessary or not proper, and that corrupt influence ought to be maintained. It was an idle and an absurd quibble to dispute the existence of undue influence;

* The present earl of Lauderdale. (A. D. 1814.)

it was manifest, and like any simple problem of Euclid, could not derive more perspicuity from explanation than it possessed from name. The Journals of the House had declared the existence of influence, and in their subsequent conduct the House had proved the fact. On that memorable night, the 6th of April, a gleam of returning virtue shot through the House. Truth made its transient appearance, and pressed conviction on the minds of men, not incident to conviction. For once they yielded to the impression—the touchstone was applied to the heart, and from their mouths came honesty and truth—but that influence which they acknowledged to exist, rose from its temporary depression with accumulated strength. It rose to justify the declarations of the 6th of April, but it held them forth as a matter of mockery and insult, a *vox et præterea nihil*: as if it found a triumph in the acknowledgment of its existence, and in the insolence of wickedness and power, presumed to say to the people, It is true, influence has increased, is increasing, and ought to be diminished; but I am grown sturdy; I have taken possession of the last bulwark of the constitution, the Commons House of Parliament; and I am superior to the feeble rage and the impotent attacks of virtue. After this plain proof, would it be denied that influence existed? If the House had not virtue enough to rescue themselves from the imputation of returning to dependence, it became them at least to acknowledge the servitude and the slavery in which they were held.—The noble lord traced the course of our calamities up to the fountain head—the mad and ruinous American war. It was that which had exhausted our resources, and it was that which had made the increase of influence so necessary. It had become the infamous task of ministers to bribe men whom they could not persuade. They had been obliged, when delusion had evaporated, and all the architecture of chimeras was demolished, to resort to the insinuating powers of corruption: and those men who had acted without system in the operations of government, had been both ingenious and successful in the management of parliament. Such now was the state of corruption, that no man could live and think in this country, without irrefragable proofs pressing on his feelings every moment, to convince him, however incredulous, of this truth, that the influence of the crown

has enormously increased. His lordship illustrated this position much at large, by supposing himself a novice in the service of state affairs, and requiring of some aged friend the solution of many political paradoxes, all of which the existence of court influence, he shewed, could only explain. In that train of reasoning, he introduced a detail of circumstances and events, which all combined to prove the extent of the power which the minister had acquired in parliament by the means of that efficacious instrument. The noble lord considered this Bill as the foundation stone of reformation. Its provisions were wholesome and salutary: nay, he considered them as palatable. He would be the last man in that House to adopt, or to approve of a measure, in which violent hands were to be laid on the revenue of the sovereign. Attached to the family upon the throne, as they all were, by the fervent bonds of loyalty and interest, it would be the last thing which that House would attempt, to diminish the glory, or to abridge the pleasures of the sovereign. This did neither, but added to both; it was not more calculated to introduce œconomy, than to ascertain respect; and not more calculated to take from corrupt influence, than to add to honourable power. Such were his sentiments, because he considered the true and solid power of the crown to be seated in the glory and in the virtues of the sovereign. If the sovereign possessed the confidence and the love of his people, if he and they were bound together by the bonds of sympathetic regard and affection, then the crown would be more splendid, and possess more lustre than it could possibly derive from pageantry and parade.

Sir Horace Mann said, that he had last year opposed parts of the Bill, which appeared to him at that time to be highly objectionable, but he had always approved of the principle. The regulations proposed in the King's household, particularly that of supplying his table by contract, was a species of œconomy to which he would never consent, because he considered it as a degradation of the royalty of England. He could never agree to set the King down to an ordinary: but those objectionable points having been given up, he undoubtedly should vote for the second reading, and he thought the House were most dutifully complying with the words of his Majesty from the throne, on the opening

of the session, in proceeding to pass a Bill like that before them. His Majesty had expressly desired to know the wishes of his people; and in the speech immediately subsequent to the late disgraceful outrages, had declared, that he wished to make the happiness and the welfare of the people his own. What could more forcibly convey to the royal mind the sentiments of the people, than the Commons of England agreeing to pass a Bill, the avowed objects of which were public reform and public œconomy? He was astonished at having heard the resolution of the 6th of April treated with so little respect, and hoped no man would presume to abrogate a resolution of the House, though agreed to by a former parliament. He congratulated the House on the burst of abilities, that had given lustre to the debate, and had done the young members on both sides so much honour.

Mr. *Courtenay* said, he rose with the utmost diffidence, lest he should be deemed presumptuous in attempting to controvert principles and combat arguments specious and popular in themselves, and rendered highly so by that brilliant and captivating eloquence, which peculiarly distinguished the hon. gentleman on his moving for leave to bring in the present Bill, and which must still vibrate on the ears of the House. No man entertained a higher respect for him than he did. The hon. gentleman merited it; for who was there gifted with such superior talents, who bore his faculties so meekly? Whose candour and ingenuousness were more conspicuous? Who arranged his matter with so much judgment, and who illumined it with so much fancy? It would argue want of taste in those who differed most from the hon. gentleman in the fleeting politics of the day, not to set a just estimation on his singular and shining abilities. Posterity would do them justice, and admire the man who had infused a spirit of Attic elegance into British oratory, and whose classical compositions would be read with delight by the scholar, the philosopher and the statesman.

The present Bill held out a very flattering and popular idea—œconomy, great savings to the public, and a consequent diminution of the dangerous influence of the crown; but the sum proposed to be saved was but trifling, considered as a great national object; consequently, a diminution of the influence of the crown must be the true and secret motive for this fa-

vourite species of reformation. He remarked, that by the nature of our mixed government, the disposal of all places of trust and profit are vested in the crown; this liberal and constitutional prerogative, in the opinion of the ablest writers, was productive of many beneficial effects. In the first place, it had an obvious tendency to soothe, and allay those restless and irritating passions, which the invidious power and splendour of monarchy were very apt to excite in some men of a certain temperature, especially if, from some cause or other, they had been chilled by remaining too long in the shade, deprived of that genial and exhilarating warmth which court sunshine is usually supposed to bestow. Yet these perturbed spirits had their use; ever restless and uneasy in themselves, they watched with jealous and aching eyes, every motion of the state machine; often, indeed, they might obstruct and retard its motions, yet at other times, they prevented its descending too rapidly on the wheel of prerogative, and checked it by the drag chain of opposition.

The distinction and opposition of parties, springing from the very nature of our free constitution, derived their full force and complexion from the glorious Revolution, when liberty was more firmly established, and prerogative more accurately defined. He said, it was a Revolution principle, and he liked it the better for being so, especially, as to this very principle we were indebted for that constant generation of patriots which every administration necessarily begets; they shine and twinkle a while in their orbits (like other constellations) whilst they preserve their due distance from our political sun; but when they approach too near, they become invisible, no longer attract the gaze of popular admiration, but are lost in the majesty of his beams. The effects naturally resulting from the genius and nature of the British constitution, as operating on the human passions, are admirably and justly described in the following passage by the celebrated Montesquieu: "As those, who, with the greatest warmth oppose the executive power, dare not avow the self-interested motives of their opposition, so much the more do they increase the terrors of the people, who can never be certain whether they are in danger or not. And as the executive power, by disposing of all employments, may give great hopes and no fears, every man who entertains any favour from

it, is ready to espouse its cause, while it is liable to be attacked by those who have nothing to hope from it. All the passions being unrestrained, hatred, envy, jealousy, and an ambitious desire of riches and honours, appear in their full extent; were it otherwise, the state would be in the condition of a man weakened by sickness, who is without passions, because he is without strength." For man, he said, must be taken as he actually exists in political society, with all his imperfections on his head; as a mere ideal being, he might be safely left to be modelled and governed by the chimerical speculations of visionary philosophers and unpractised statesmen.

He observed, that in pursuance of this system, impeachments, constructive acts of treason against the constitution, axes, blocks, Tower-hill, and such like substantial acts of justice, have been constantly exhibited *in terrorem*, with all the pomp of parliamentary declamation; not with any sanguinary intention, but merely to shake ministers from their situation, and intimidate them into resignation. This conciliatory oil of resignation being once thrown on the turbulent waves of faction, they instantly subside, and all is peace;—because the contention was for power; it was the contest of pride, of ambition, of rival and discordant passions, pursuing the same object. Neither the ins or outs entertained an idea prejudicial to the true interest of their country; and even the people seemed frequently convinced of this truth, by seeing the same measures alternately adopted by both parties, and therefore often contemplated the virtuous struggle with calm and cool indifference. Self-interest was seen lurking under the flimsy veil of public spirit; and, like the cobweb over the poor box, more strikingly marked the charity of the congregation. O liberty! O virtue! O my country! has been the incessant pathetic, but fallacious cry, of former oppositions; the present, he was sure, acted on purer motives; they wept over their bleeding country; yet the patriot eye "in a fine frenzy rolling," deigned to cast a wishful squint on riches and honours enjoyed by the minister and his venal supporters. If he were not apprehensive of hazarding a ludicrous allusion (which he knew was always improper on a serious subject,) he would compare their conduct to the sentimental alderman's in one of Hogarth's prints, who, when his daughter is expiring, wears indeed a pa-

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rental face of grief and solicitude, but it is to secure her diamond ring, which he is gently drawing from her finger.

To confirm this doctrine by facts, continued he, who was ever more calumniated, whose character was ever more traduced, who was ever persecuted with more bitter invective, than the late sir Robert Walpole? that ministerial Midas, who was said to have converted Lords and Commons into gold by his magic touch; yet justice has been since done to his memory and merit: his eulogium was pronounced in the other House, and passed without a protest; he was called an able, a wise and experienced minister, who thoroughly understood the political and commercial interests of this country, and invariably pursued them. This eulogium was pronounced by one who knew him well; a most discerning judge, the greatest statesman of the age, the late earl of Chatham, whose venerable name mankind will always associate with the grandeur, glory and extension of the British empire. He then appealed to the present opposition, to prove that little danger can be apprehended from the influence of the crown—as long, he said, as so many gentlemen, distinguished by great and acknowledged abilities and commanding eloquence, of such popular characters and connections, retained their independence, without places or pensions (except such as they held for life) the country was safe; and he sincerely hoped we should never be deprived of such, or similar instances of virtue and integrity.

He then begged seriously to ask, whether there had been any avowed or indirect attempt on the rights and liberties of the subject, to provoke this illiberal attack on the prerogative of the crown? He trusted that the same ardent zeal, the same heart-felt veneration for our sacred rights, still glowed in the breast of every Englishman. That virtuous veneration which the names of our Hampdens, our Sidneys and our Russels still inspire, warranted and justified the assertion. A free government, he said, must be ever dear to an ambitious, a spirited and an enlightened people; it alone furnished a field for emulation, and objects that called forth the exertion of genius. The elevation of soul and sentiment, the noble pride of independence, the various and characteristic traits of the human mind, there alone expand and flourish, deriving their vivid lustre from liberty. In despotic governments, where the

whole power of the state was vested in one man, the human mind is degraded; its native and original colours fade away, and are lost in the splendour of the sovereign; as the primitive and variegated rays of light, on being blended together, display one dazzling glare of white, and no more exhibit a beauty, variety, and distinction of colours. On such a subject, he should be proud to own his enthusiasm, and where could he indulge the impassioned sentiment with so much propriety as in a British House of Commons, amidst the representatives of that free, brave, and generous people, who have cherished a spark of freedom for ages, and fed the flame with their blood? Perhaps he might be told that the American war was a proof of the despotic designs of administration; he denied it; though he never was, nor never would be an advocate for the justice, wisdom and expediency of the American war, yet he owned it was a popular one;—the asserting an unlimited sovereignty over America, was flattering to the pride, he would not say insolence, of every Englishman; it was a Whig principle, maintained by Whig statesmen, and confirmed by repeated acts of a Whig parliament. But still he should not despair that England and America would again be united, and become one great, flourishing and happy people, enjoying the same religion, rights, language and laws, and endeared to each other by the same generous and persevering spirit for liberty. Ireland had lately exhibited a singular proof how well this liberal policy had succeeded; Ireland, which was scarcely visible above our horizon, added he, is now gradually ascending, and this luminary (since it has escaped a fatal and predicted eclipse, from the perpetual shade of the Mutiny Bill) will soon attain its proper altitude, and shine as a star of the second magnitude, adding beauty and splendor to the British firmament.

He then asked: Was this a time for such propositions to be offered? Was it by such an invidious and partial plan of inadequate œconomy, that Great Britain was to be saved at this hour of danger? The boasted specific, he said, was injudiciously prescribed, without a thorough knowledge and acquaintance with the constitution, and would be found wholly inefficacious—as inefficacious as the specific adopted by the wisdom of the Roman senate to stop the progress of a pestilence; where the prætor was ordered, with ridiculous solemnity, *pangere clavum*, to drive a nail into the

wall of the Capitol: and the people of Naples, at this day, when they are menaced with an irruption of Mount Vesuvius, expose the blood of St. Januarius to appease the rage of the mountain. And should we adopt similar and wretched expedients? Did we hope by driving a nail through this or t'other board, or by squeezing and exposing a few drops of blood from the civil list, to check the pride and ambition of the House of Bourbon, dissolve the family compact, and punish Dutch perfidy and ingratitude? Was this a time for introducing retrenchment, when we should rather call on the board of works to enlarge our septennial, triennial, or annual caravansera (he believed the delegates had not yet determined which it should be;) we should rather be providing entertainment for man and horse; for can we forget that a hundred knights armed cap-a-pie, are soon to begin their march from the renowned city of York, to attack this, our enchanted castle of St. Stephen's (after having received a priestly benediction from their political pope) actuated by the generous resolution of rescuing that distressed damsel Britannia, from the ravishing gripe of the noble lord in the blue ribbon, whose lust of power, unbridled insolence and tyrannic disposition, we have all so long and so fatally experienced? But before we determine, let us seriously reflect, that innovations are ticklish things; by inconsiderately attempting to improve, we may essentially injure the constitution. Mr. Courtenay then said, that on reading a very ingenious book, which threw great light on the spirit, manners and character of our ancestors, in the book he alluded to, (*Observations on the Statutes, chiefly the more ancient ones,*) there was an Act of the 35th of Ed. 1, A. D. 1307, entitled, "*Ne rector arbores in cœmeterio proster-net.*" But, as the reason of this prohibitory statute was not well understood, several of the country clergy, carried away by the modern taste for improvement, chose to lawn their church yards, and cut away the noxious yew trees; but, after the supposed improvement was made, the wisdom of the act, and the utility of the trees were discovered, as several churches, especially the church of Gyffin, near Conway, in Wales, (for this spirit of improvement had travelled so far,) were materially injured, by being exposed to the storm, deprived of all shelter and protection. Let us improve on the hint, and not with rash and sacrilegious hands, prune away

the thick and sheltering foliage of prerogative, lest we thereby injure the temple of liberty.

Lord *Bulkeley* said that the hon. gentleman who spoke last had made himself exceedingly merry at the expence of a very grave and serious subject; it was hoped, he said, that the hon. gentleman had not himself an eye after the diamond. The noble lord said that the necessity of reform and œconomy was so obvious, and so pressing, that he was astonished the ministers of the crown had not long since come forward, and proposed some measures equally promising to produce beneficial consequences with the clauses of the Bill then under consideration. The Bill entitled his hon. friend who brought it in, to the warmest praises from every one of his Majesty's subjects; its principle was undeniably laudable, and he did not doubt but its operation would answer the most sanguine wishes of all who thought it their duty to support it. Should the public, however, have the misfortune to lose the Bill, he thought it incumbent on the King's servants, seriously to turn their minds to the real situation of the subjects in general, every man's income having been most alarmingly reduced in consequence of the wars, into which the country had been so unadvisedly precipitated. It was the country gentlemen who suffered the most considerably by the present measures, and the minister ought to attend to their complaints. Every gentleman like him, who lived upon his estate, (and he hoped he should never derive an income from any thing but his estate) could not but be sensible of the decreased value of landed property, and of the increasing poverty of his tenants, in consequence of which, they were deprived of many of the advantages, the comforts and the luxuries of life, which from their rank and situation they were entitled to expect. Those who had been used to keep large retinues of servants and horses, had been under the necessity of decreasing the number, and of abridging all the enjoyments of this life. The subjects were obliged to retrench and to limit their expences, and considering the situation of public affairs, he saw nothing indecent or unreasonable in desiring the crown to do the same. It would reconcile the calamity to the suffering people. When the country gentleman saw that his sovereign participated in the distress of the nation, and that retrenchment was general, it would make it easy and tolerable.

Mr. *Thomas Pitt* took notice of what had been said respecting Mr. Burke's having been rejected by the electors of Bristol, and asserted, that so far from there being any cause for the hon. gentleman's declaring himself humiliated by it, it did not reflect any disgrace on the hon. gentleman, but on that House and on the kingdom, who were the parties most humiliated on the occasion. Could it be possible, after so many years indefatigable zeal for the public service, after the constant and unwearied display of such uncommon abilities, in the most laudable endeavours to promote the best interests of the nation, that such a man could be rejected; a man, whom every one who heard him ought to have strove who should be the first to take upon his shoulders and carry to the hustings; since every one must be conscious, that there was not to be found in the whole kingdom, a gentleman of greater integrity, or better qualified to sit in that House than the hon. gentleman near him. He declared, he meant not any fulsome compliment; it had so happened that in his walk through life he had not had the honour to live in habits of intimacy with the hon. gentleman; he spoke merely from what others had witnessed as well as himself, the hon. gentleman's conduct as a member of parliament a conduct that almost every man of every party, had, at different times, thought it an act of justice to applaud. After this exordium, Mr. Pitt went into an examination of the principle of the Bill, which he solemnly defended as a principle every way worthy the adoption of the House. He argued the right and the expediency of resuming a part of the civil list revenue, when the distresses of the nation required it, and asserted that the influence of the crown operating in secret, was a much more dangerous enemy to the constitution, than prerogative; prerogative, from the nature of it, acted openly and in the face of day, therefore it was much more easy to guard against it, and to resist its oppressive efforts, than to resist the undermining advances of court influence, which had already gained so fast upon us that it threatened the ruin of the constitution. He called upon the House with great earnestness to seize the present opportunity of shewing the people that the resolutions of the 6th of April were not mere words without meaning; and declared that the œconomical effect of the Bill, if it passed, was so apparent to him,

that he should consider the rejection of it as a declaration that the House were enemies to œconomy, and that they were determined to go blindly on, wasting the public money, by applying it to the support of useless and unnecessary places and placemen. In that case he should consider his presence in that House to be of little or no consequence, and should save himself the trouble of attending parliament in future.

Sir *William Dolben* opposed the Bill on its principle. If it was right to destroy the influence by which members were returned to that House, it did not go far enough, for it ought also to have destroyed the influence of the aristocracy and of wealthy individuals, as well as the influence of the crown; and he said he should have no objection to a general and fair plan of reform that went to the reduction of influence on both sides. We were at all times given to understand, that such a borough belonged to the duke, or to the earl, and that such and such members belonged to the nabob. Much had been said against those who voted with the ministers, as if they could not possibly act from pure and honest motives; he thought such arguments extremely unfair; because it might with just as much propriety be said, that the leaders of opposition generally consisted of the discarded dependents of discarded ministers: and he saw no reason to suppose that gratified pride and expectations created more undue influence on the one hand, than disappointed ambition and avaricious anxiety created on the other.

Mr. *Rolle** supported the Bill. He liked its principles; but to some parts he had his objections. Having delivered his sentiments in a former parliament, he would not now trouble the House; his chief view in rising, was to take notice of what dropt from the hon. mover concerning the county he represented. The hon. mover said he had been called on by many to resume his Bill, particularly by the whole county of Devon, &c. Mr. *Rolle* observed, he understood he had been called on by the associated committee, but not by his county in general. He believed his county was not averse to the revival of the Bill; but to the mode on which he had been requested to bring it on. He was certain a large majority of his constituents disapproved of the asso-

ciation. He did not mean to reflect on any party or persons; his earnest wish and intention were to do justice to all, as became an honest representative. In speaking of associations, he could not avoid mentioning a very alarming resolution of the committee of Huntingdonshire, desiring the housekeepers to arm themselves. This he thought, if not checked, might be attended with very bad consequences; and he wished to know whether the House could take notice of it. He concluded with saying, he thought œconomy, both in private and public affairs, was requisite, and never more than at the present time; that there were many unnecessary and useless places and pensions, which might be very properly dispensed with. For these reasons he should most certainly vote for the Bill.

Mr. *Jolliffe* said his constituents, he believed, were unanimously against the Bill, and for that reason he should vote against it.

Mr. *Thistlethwayte* said that his constituents warmly approved of the Bill, and for that reason, as well as from his own conviction of the utility and excellence of the plan, he should most certainly give it his concurrence. He considered œconomy and retrenchment as essentially necessary, in the present calamitous situation of this country, to our salvation; and there was not any thing in the Bill which he conceived to be unfit to be carried into execution.

Sir *Francis Basset** said, that an hon. gentleman who spoke early in the debate, had told the House, that those young members who voted against the Bill then before them, would betray the confidence reposed in them by their constituents. He should certainly vote against the Bill in its present form; but he was not conscious of betraying that confidence which his constituents had thought proper to repose in him. Could the hon. gentleman declare himself, that the part which he had taken in this debate would meet with the approbation of his own constituents? He had the honour of being one of his constituents, and he declared that he did not approve of his political sentiments. In speaking his opinion that night, he was convinced he should speak the sentiments of those who had sent him to that House, for his constituents were friends to the King, and to the constitution.

* In 1796 created Lord Rolle.

* In 1796 created Lord De Dunstanville.

With regard to the Bill, he would freely confess that there were parts of it which he very much approved, though the greatest part of it, he owned he disliked. He objected to many parts of the Bill in its present form, particularly to that which proposed a reduction of his Majesty's household, because he did not imagine that the establishment of our present sovereign was in any respect larger than that of former kings of this country had been; and because the inconvenience attending such reduction would more than overbalance any advantage that could arise from the small saving proposed to be made by it. Great pains had been taken to prove that the petitions presented to the late parliament expressed the sense of the people. This assertion he did not think founded in fact: it was fresh in all their memories, that the meetings from whence many of the petitions were sent, were convened without the concurrence of the sheriff, whose presence he had always imagined to be necessary to constitute a county meeting: and he did contend, that the resolutions of a meeting where the sheriff did not preside, were in no respect whatever binding on the county at large: but meetings were not only convened without the concurrence of the sheriff, but convened also at a short notice, by gentlemen who thought it their interest to procure petitions to parliament: at many of these meetings, only the tenants and immediate dependents of the gentlemen who were most active in framing petitions attended, and the petition was in many places voted and sent to London to be presented, before a tenth part of the freeholders even knew that such a measure was in contemplation: many of these petitions were signed by people who had no right to sign them, and who had not, and perhaps could not, read them. He was well aware that he should be told, that all that he had then said about the late petitions was assertion, which would be of no weight without proof; but if called on, he was ready to produce proof at the bar, that the facts which he had asserted really happened in more counties than one. He would wish, then, to ask the House whether this mode of obtaining petitions was not a daring infringement on the rights of British freemen, an infringement the more criminal, because it was made by those who called themselves (how justly he would not pretend to determine) the friends and assertors of the rights and of the liberties

of the people? He held that such a proceeding was a daring insult to the legislature of this country, such a one as he thought should not pass unnoticed. If the gentlemen on the other side could persuade them, that meetings held in an illegal manner, and at a short notice, really expressed the sense of great and opulent counties, the freeholders of which did not know that such a measure was in contemplation, before it was too late, they might also persuade the House that a minority was a majority, and that they themselves composed the most virtuous, popular and independent opposition that ever existed, or any other proposition equally ridiculous. From that House, in his opinion, the sense of the people could only properly be collected; for was it to be supposed that their constituents would send those there, whom they did not know to be of the same sentiments with themselves? The late elections had shewn whom the people looked upon to be the real supporters of them and their rights, and whom they considered as inimical to the rights: but whenever the late elections were mentioned from that side of the House, the voice of Surrey, and of Westminster, was immediately thundered in their ears from the other; the choice those places had made was so much boasted of, that an uninformed auditor would suppose, that whatever was the sense of the freeholders of Surrey and of the householders of Westminster, must of course be the sense of the freeholders of Great Britain. The county of Surrey might, perhaps, think they had acted very handsomely in chusing their new representative; other counties might think they had done full as well in chusing representatives of a very different stamp; but this would be mere matter of opinion both on one side and on the other: the sense of the people of Great Britain could be best known by the votes of that House. He should have said nothing of Bristol, he should have thought it too delicate a subject even to hint at, if the hon. gentleman who brought in the Bill then before them, had not said that he could bear his rejection there with temper and moderation: the hon. gentleman had told the House, that his rejection at Bristol was no proof that the freemen of that city disapproved of his Bill, and he would own that it was not positive proof that they did so; but the presumption that they disapproved of it was very strong; for as the hon. gentleman's Bill was before the last parliament,

he should have thought, if the citizens of Bristol approved of it, they would on their rejection of him, have declared, that however they disapproved of his conduct in general, yet they thought he had acted well in proposing the Bill which was then before them: but they had done no such thing; they had rejected the hon. gentleman, and of course had declared, that they did not approve of his conduct in the late parliament; they had rejected him without any reserve, without any exception. A great deal had been said in the course of the debate about the increased and increasing influence of the crown: that influence could not surely be so very visible to every eye as some gentlemen had endeavoured to persuade the House, when the only proof produced, that such an influence really existed, fully convinced him that it did not exist; he meant here to speak of the resolution of the late parliament, that the influence of the crown had increased, was increasing, and ought to be diminished. If that influence extended so widely in that House as had been asserted, he apprehended such a vote would never have passed; but it shewed rather a bad cause, when the hon. gentlemen of the other side had recourse to a resolution of a parliament which they were constantly abusing: surely they could have very little faith in the determination of a parliament which they themselves every day declared to have been most venal and infamous.

Mr. *T. Townshend* did not know that any hon. gentleman was entitled to talk of opposition as the discarded dependents on discarded ministers. There were in opposition, gentlemen as respectable, as independent, and as virtuous as any who voted with the minister; nor could he conceive that an attachment to those, whom the country looked up to for salvation, and who alone perhaps could bring it out of its present calamitous condition, was to be thrown in their teeth as a matter of reproach; much less did he conceive that it was either fair or decent to assert that every man who acted in opposition to the measures of the present ministers was actuated by the impulse of disappointed ambition or avaricious anxiety. No gentleman had a right to question the manner or the cause of his election; he stood there as independent as any man in that House, and he would support the Bill, not merely because it held out a system of œconomy, but because it went some way

at last towards diminishing the dangerous influence of the crown. It had been asked what proof there was that the influence was increased? Let those gentlemen look at the increased public expenditure; let them look at the navy and the army, and at every department of government! He pursued his argument in favour of the Bill with much warmth, and declared the great satisfaction he felt at the promising display of abilities, which the young members had that day made, on both sides of the House.

Sir *George Yonge* defined the distinction between prerogative and influence, and said it was as much their duty to check and prevent the fraud of the latter, as it had been the duty and care of their ancestors to resist the power of the former.

Mr. *Sheridan* reprehended Mr. Courtenay for turning every thing that passed into ridicule, and for having introduced into the House a stile of reasoning, in his opinion, every way unsuitable to the gravity and importance of the subjects that came under their discussion. If they could not act with dignity, he thought they might at least debate with decency. He would not attempt to answer the hon. gentleman's arguments, for it was impossible seriously to reply to what, in every part, had an infusion of ridicule in it. Two of the hon. gentleman's similes, however, he must take notice of. The one was, his having insinuated that opposition were envious of those who basked in court sunshine, and desirous merely to get into their places. He begged to remind the hon. gentleman, that though the sun afforded a genial warmth, it also occasioned an intemperate heat that tainted and infected every thing it reflected on; that this excessive heat tended to corrupt as well as to cherish, to putrify as well as to animate, to dry and soke up the wholesome juices of the body politic, and turn the whole of it into one mass of corruption. If those therefore who sat near him did not enjoy so genial a warmth as the hon. gentleman, and those who like him kept close to the noble lord in the blue ribbon, he was certain they breathed a purer air, an air less infected and less corrupt. Another of the hon. gentleman's allusions was not quite a new one; he had talked of the machine of state, and of the drag-chain of opposition. He would only observe upon this, that a drag-chain was never applied but when a machine was going down hill, and then it was applied wisely. As to any thing else the hon.

gentleman had said, he should not offer a reply, but should sit down with assuring the hon. gentleman, that the most serious part of his argument appeared to him to be the most ludicrous.

Mr. *Courtenay* said, the hon. gentleman was an enemy to mirth and wit in any house but his own. He was stopped by the chair, on account of the personality of the expression.

Mr. *Charteris* asked, whether it became a man (lord Maitland) whose father was a lord of police, to support a Bill, one object of which was to abolish all these offices? He also was told, that these personal allusions were disorderly.

Mr. *Dundas* objected to the Bill in all its parts. The principle he condemned as being founded in injustice, in a violation of the contract which parliament had made with the crown; and by which the crown had given up considerations more than adequate to the sum of revenue which is now enjoyed. That revenue was therefore to be considered as positive freehold, and as a personal estate, held under the faith and solemnity of a bargain made upon equitable terms. He did not deny the power of parliamentary resumption; they certainly had the right, but he could not divide his ideas of their omnipotence, from those of their justice and discretion; and he conceived that they would at all times limit the exercise of their power within the boundaries of their wisdom. The consequences to be expected from this Bill, were not, in his opinion, adequate to the sum of injury, which it would commit in the principle. Economy was undoubtedly an object of the most desirable kind, and in our present circumstances it was to be coveted and courted by every individual. But he submitted it to the House, whether economy might not be purchased at too dear a rate; when, for the sake of saving 30 or 40,000*l.* a year, we were to lay violent hands upon property the most sacred, to abolish a number of places which had been created by the wisdom of our forefathers, to support the dignity and the lustre of the British crown; and which were now held by the first characters in the kingdom for services of a public nature, performed by themselves or by their ancestors. He then went into a detail on the several heads of the Bill, reprobating them all as improper to be complied with, but at the same time paying many compliments to the hon. gentleman who had introduced the Bill.

Mr. *Burke* rose, and in a speech of the most beautiful and nervous argument, in which the hon. gentleman's astonishing powers were warmed and roused by the debate, he combated every assertion that had been made against the right, the expediency, or the advantage of the Bill proposed. He did not omit any particular of the smallest consequence that had been advanced, and declared, that he now saw the firm establishment of that influence, which it had been his wish and object to diminish; and he should consider the issue of this struggle as the triumph or the overthrow of parliamentary corruption.

The House divided at twelve o'clock on the second reading:

Tellers.

YEAS	{	Sir George Yonge - - -	}	190
		Sir William Guise - - -		
NOES	{	Mr. De Grey - - - - -	}	233
		Sir Grey Cooper - - - -		

So it passed in the negative. It was then ordered, that the Bill be read a second time upon that day six months.

Debate in the Commons on the Omission of the word "Ireland" in the Mutiny Bill.] Feb. 20. Mr. *Fox* objected to the bringing up the report on the Mutiny Bill. He wished to have spoken upon the subject, and should have been glad to have had it re-committed. The Bill, as it passed the committee, he understood, had alterations in it, which directly overturned the constitution of this country, and gave up all right to supremacy over Ireland. He hoped, therefore, the Secretary at War would not press the bringing up the report then, but would adjourn it to the next open day, that the subject might be properly discussed.

Mr. *Jenkinson* said he was of a contrary opinion from the hon. gentleman, respecting the importance of the alterations made in the Bill; but he had no objection to having every part of it fairly discussed. If, therefore, the hon. gentleman would let the report be brought up, he would consent that the third reading should be fixed for any day the hon. gentleman chose to appoint; and as the whole of the alteration the hon. gentleman could wish for, was the insertion of the word "Ireland," it might be done as well at the third reading of the Bill, as if it were re-committed.

Mr. *Burke* said, so many and such great revolutions had happened of late, that he was not much surprised to hear the right

hon. gentleman treat the loss of the supremacy of this country over Ireland as a matter of very little consequence. Thus one star, and that the brightest ornament of our orrery, having been suffered to be lost, those who were accustomed to inspect and watch our political heaven, ought not to wonder that it should be followed by the loss of another :

So star would follow star, and light, light,
Till all was darkness and eternal night.

Mr. Fox said, the right hon. gentleman's proposal, of permitting the report to be brought up, and defer the consideration of it to the third reading, would reduce him to the dilemma of either moving that the word "Ireland" be inserted, or that the Bill stand as it did, a matter he was by no means ripe to propose. He wished to have many points discussed, which could only be done in a committee, he trusted, therefore, that the right hon. gentleman would come into his first proposition, because, before he could give it as his opinion, that the word "Ireland" should or should not be inserted, he wished to know the nature of the Irish Mutiny Act, the grounds upon which it went, the reasons for bringing it in, and the manner in which it had passed.

Feb. 23. On the order of the day, for the farther consideration of the report on the Mutiny Bill,

Mr. Fox rose agreeably to his intimation to the House, to move for the recommitment of this Bill, for the purpose of correcting a very material and important alteration that had taken place in it. He began a most ingenious and eloquent speech with stating, that if he had not been sensible of the difficulty and delicacy of his situation in the question which he was about to agitate, the observation that had fallen from a gentleman high in office, and an old, well-informed member of that House, would have opened his eyes, and convinced him that he was treading upon ground at once difficult and dangerous. The hon. gentleman had said, that the House ought not to attempt to do that which it could not fully and perfectly accomplish : and had advised them rather to overlook the attack upon their dignity, by the presentment of a frivolous petition, than attempt a punishment which they could not enforce. This was his sentiment ; it was at all times so, since he constantly was of opinion that prudence ought at all times to be consulted in measures of dig-

nity, and that they ought not to assert powers and authority at a season when their weakness was insufficient to support their claim. To agitate a question, therefore, respecting the powers of supremacy and superintendency, which this country asserted over a sister kingdom, at a time when that kingdom was disposed to militate the principle, must certainly be dangerous ground, and particularly so at a moment when the country was involved in a scene of complicated calamities, and was threatened with the most decisive ruin. He trusted that the House would forgive him, if, in the situation in which he then stood, he should take up a few minutes of their time in stating his sentiments on the question ; since he knew from experience, that pains would be taken to misrepresent what he should say, in order to place him in a light unfavourable to the people of Ireland. The insidious pains that had been exerted on a former occasion to misrepresent both him and other gentlemen on the same side of the House, had not altogether failed of producing the intended effect, that of making them odious in the eyes of a people whom they loved and honoured. Difficult and dangerous as the situation was, he could not be induced from any apprehensions of personal consequence to permit a matter, charged with so much apparent danger, to pass unnoticed ; at the same time he was not insensible to the unfavourable opinions of his fellow citizens.

He had many reasons of friendship and affection for wishing to stand well in the eyes of the people of Ireland ; and it was not his purpose to attack the claim which they had set up to legislative independency. They had not a friend in that House more warmly attached to their interests than himself. He wished to share the dangers and the alarming tendency of this Bill, both to the liberties of England and of Ireland ; and he thought, that to be silent on such a subject would be tacitly to assist in taking away from the people, in order to enlarge the prerogative of the crown, in demolishing and subverting the liberties of the subject, in order to give the prince the means of becoming absolute. He had been held out, he was aware, as the enemy of Ireland, and the first lord of the Treasury had been declared to be the best friend of that country, though he had uniformly endeavoured to support the rights and liberties of the Irish, and to give them all that they

requested long ago, and which the noble lord had positively denied them till they had armed themselves, and then by three specific propositions had given more to force than he had before denied to supplication.

In better times than these, Mr. Fox said, he should probably have entered upon the topic in a manner and in language widely different from that he meant to adopt on the present occasion. In better times than these, he should have talked of the superintending power of the British parliament over Ireland, and over every part of the British monarchy; but such was the miserable situation to which the King's servants had reduced this country, that the question was of a very delicate nature indeed, and it was by no means a matter easy to be handled without disturbing what ought not to be disturbed, and without producing consequences, which every man, who wished well to his country, must wish to avoid. In the present question, he wished to speak and to act agreeably to the sentiments of some of the first and best men in the parliament of Ireland. The powers of supremacy and superintendency of this country, over her distant connections, were topics which he knew were at this time dangerous to be touched, but which had never been so at any former period of our history. Ten years ago it would not have been considered as improper or dangerous to talk on these topics, because then they were considered as necessary to the liberties and the well being of the empire. They were not only considered by that House in this light, but by every part of our extended empire they were allowed and acknowledged the same. It was the weakness of administration that had given rise to different ideas. America had never complained of these powers till her calm and sober requests were refused, and Ireland had not asserted the contrary till relief was denied when her grievances were manifest. But now the topics were dangerous to be touched. The weakness and the wantonness of ministers had introduced into that House difficulties and embarrassments, new and unprecedented, and he must yield to the disagreeable necessity of submission. But he might say, that if he had been speaking on this subject ten years ago, he should have found no difficulty in saying, that the superintendency and supremacy of this country was necessary to the liberty of the em-

pire, for many great and, in his opinion, unanswerable reasons; and that in particular they ought to be careful never to give out of their own hands the power of making a Mutiny Bill. He should have been able to have advanced various reasons for retaining this privilege, the first and most powerful of which would have been a reason of apprehension, lest at some future moment of negligence or corruption, the parliament of Ireland, the assemblies of any of the colonies of America, or of any other of our foreign connections, should be tempted or prevailed on to grant a perpetual Mutiny Bill. If he had advanced this argument, he knew that it would have been immediately said of him, that he pushed speculation to excess, that he was chimerical and libellous in his ideas, for that no house of representatives could be so negligent or corrupt as to grant such a Bill, and no people so blind and supine as to bear it. Might he not, then, now say this, when it was not an argument of speculation but experience; and when the parliament of Ireland had actually granted a perpetual Mutiny Bill to the crown, by which they had vested the sovereign with the power of a standing army, unlimited in point of numbers or duration?

There were, in the passing of this Bill, so granted, also several circumstances of a suspicious nature, which implied in pretty plain language, that it was imposed upon them by the cabinet of England. It originated in the privy council of this country, and was sent over at a time when Ireland was loud in their claim of independent legislation. The cabinet took advantage of the heat and the inflammation of Ireland, with respect to independence, and granted them the one thing, provided they would purchase it at the price of the other. They applied to the passions of the country; they seized on parliament in the moment of their warmth, and appealing, perhaps, to other passions than those of patriotic frenzy, they procured the consent of parliament to this, and received a perpetual standing army, in defiance of the Declaration of Rights. Many of the first members of the Irish parliament were sensible of the shock which this Bill gave at once to the liberties of Ireland and of England; and Mr. Grattan called upon the people of this country to stand forward and protect the liberties of both, by preventing the dangers and the effects of a law so violent

and contradictory to the constitution. It was, therefore, a business in which both nations were equally affected, and in which they ought both equally to unite. For this was a species of conspiracy between the cabinet, and that part of the people of Ireland, who, anxious for independence, were intoxicated with the idea, and inclined to purchase it at any price. The conspiracy was to this effect:—We will give you a Mutiny Bill of your own, if you, in return, will grant the crown a perpetual army. Nothing was demanded for this country in return for the favours which had been conferred; nothing in return for the free trade; nothing for the independence; but a provision was made to grant to the crown a perpetual power unwarranted by the constitution.

In a moment of heat and clamour, when the minds of the whole country were agitated with the great question, and demanded an important concession, it was the duty of a minister to maintain the duty and the supremacy of the country, as far as was consistent with the liberties of the empire at large; he ought to have yielded to the necessity of the occasion with prudence, but not with intemperance; he ought not to have endangered the liberties of every part of the empire, in order merely to calm the intemperance of the moment. The hon. gentleman stated, that in his ideas on the Bill, he would advance no arguments that he had not taken from books written in Ireland, and by Irishmen. It was at once curious and alarming, that in the Irish Mutiny Bill, the preamble was left out which recited the Declaration of Rights. What could be the inducement of this omission? It contained no enacting law, and, consequently, was in no ways an attack on the legislative independence of Ireland. It was merely declaratory, and as the constitution and the rights in both countries were the same, the declaration of those rights was equally applicable to both. But it was found expedient to leave out the preamble, because the words, "Whereas it is illegal in the crown to keep a standing army in times of peace," were in direct contradiction to the Bill which had been granted.

The danger of the Bill would appear in its full magnitude, when gentlemen reflected that all that was necessary now to the maintenance of a standing army in Ireland, unlimited in number and duration, was the power of the purse. His

Majesty was possessed of an hereditary revenue in Ireland, which had considerably increased, and was increasing. By that power, by the power of the hereditary revenue of Hanover, if he had any—and by borrowing from other states—if future kings might be tempted by their object to descend to that corrupt expedient, money might be procured to maintain an army that might threaten the very being and liberty of the constitution. He considered the statute of king William, commonly called the Disbanding Statute, reducing the number of troops to 12,000, and which by a late Act had been raised to 15,000, to be still in force with respect to this country, but it was not so agreeable to the present ideas of the people of Ireland, so that there was no sufficient restrictive power on ministers against maintaining in that country an army to any extent. But it might be argued, that without the power of the purse, the power of the army was nothing. To this he begged to answer, that two checks were better than one; that it was much better to have the power of the purse, and the power of the army, than only to have one of those for our security; and this had been the prudence and the policy of Great Britain. She had kept them both in her own hands, and had granted them only for one year. But Ireland had now given a perpetual army, and nothing more was wanting than the money.

His present Majesty, thanks to his ministers, had no power on the continent from whom he could receive assistance; but some future monarch, possessed of wise and active counsellors, might by the aids derived from foreign states raise and maintain 100,000 men in Ireland, and direct them to any achievement of despotism that ambition might frame; and there would be but little security to be found in the resistance that the country might be inclined to make in such a moment. The precaution and the defence were to be taken before the alarm was up, and in this alarm, it was not only Ireland, but England also, that was threatened. With such a prospect before them, it could not be imputed to any motives of attack on the question of legislative independence of Ireland, that this country should take warning, and prepare for its own security. In the same situation if Ireland stood with respect to England, *mutatis mutandis*, if England was to adopt a similar measure, and grant the crown an unlimited Mutiny

Bill, Ireland would be excusable if they took up the consideration of the business, and provided by some specific measure for their own safety.

He said there was no responsibility in the ministers under the present law; nor was it in the power of either kingdom to bring them to a legal parliamentary conviction. He considered the ministers who advised the perpetual Mutiny Bill, as guilty of high treason. He was in general an enemy to constructive treason. He could not conceive that an unarmed, unarrayed mob, assembled round the House of Commons, could be said to be levying war against the King. No such construction could be drawn from the Act of the 25th of Edward the 3rd; and though he did not condemn the authors of some late opinions and attempts to make this constructive treason, as having been wilful misinterpreters of a plain law, yet he could only excuse them as having too hastily adopted the speculations of a worthy, but, in this instance, a deceived man, Mr. Justice Foster.* This Act giving the

* Mr. Fox here alludes to the following extract from Mr. Justice Foster, which had recently been quoted by lord Loughborough, in his Charge to the Grand Jury, on opening the Special Commission for the Trial of the Rioters, at the Sessions House, on St. Margaret's-hill, in the Borough:

"Every insurrection which in judgment of law is intended against the person of the king, be it to dethrone or imprison him, or to oblige him to alter his measures of government, or to remove evil counsellors from about him,—these risings all amount to levying war within the statute, whether attended with the pomp and circumstances of open war or not. And every conspiracy to levy war for these purposes, though not treason within the clause of levying war, is yet an overt-act within the other clause of compassing the king's death.

"Insurrections in order to throw down all inclosures, to alter the established law, or change religion, to enhance the price of all labour, or to open all prisons—all risings in order to effect these innovations of a public and a general armed force, are, in construction of law, high treason, within the clause of levying war. For though they are not levelled at the person of the king, they are against his royal majesty; and besides, they have a direct tendency to dissolve all the bonds of society, and to destroy all property and government too, by numbers and an armed force. Insurrections likewise for redressing national grievances, or for the expulsion of foreigners in general, or indeed of any

crown a perpetual Mutiny Bill, in direct violation of the Declaration of Rights, was high treason against the constitution of the realm. But how could he get at the authors of the treason in the present circumstances? It was perfectly impossible; for there was no responsibility to be established against them. It might be said of him, in the present instance, with some truth, as it was frequently said of opposition without truth, that he was much readier to find the blame, than to advise the remedy. In this instance he felt himself full of difficulties. He honestly declared, that he knew not in what manner to act with prudence and wisdom. He was full of indignation against the men who had reduced us to a state of such unprecedented difficulty, that parliament could not assert their powers with safety, nor suggest remedies for evils that were foreseen with prudence. He might say, if they would permit the expression, that this situation had been incurred by a system of negligence and incapacity. Any other minister would have softened, when it could have been done with propriety: or resisted, when it could have been done with success; but the noble lord had acted contrary to every occasion. When Ireland, in a decent, sober stile, applied to parliament for relief from restrictions which were at once impolitic and illiberal, the noble lord attended more to the representations of individual members, who happened to be influenced by the opinions of their constituents, the manufacturers of trading towns, than to the unanimous call of a whole country. He admitted the influence derived from the opinion of constituents, it was the best and most virtuous species of influence; but the minister could not be influenced by the opinions of Banbury to resist the pretensions which his own liberal ideas of trade convinced him were just and reasonable. But he was obliged, on account of the American war, to court the votes of individual members; and when the gentlemen on that side of the House had carried a decisive question, he came down two days afterwards, and resisted their anxious endea-

single nation living here under the protection of the king, or for the reformation of real or imaginary evils of a public nature, and in which the insurgents have no special interest—risings to effect these ends by force and numbers are, by construction of law, within the clause of levying war. For they are levelled at the king's crown and royal dignity."

vours to redress their grievances, when they were temperate in their requests.

The hon. gentleman then stated the powerful and the rapid effect of the resolution and the spirit of Ireland. Their associations had done more in a moment, than all the efforts of friendship in their favour. All false reasoning had vanished; all little partial motives of resistance had ceased; local considerations died away instantly, and the noble lord in the blue ribbon who had shewn himself the last man to listen to supplications, was the first man to give way to force. The noble lord came down to that House, and by three lumping propositions, did more for Ireland than she had ventured to ask. Not that he blamed the noble lord for the concessions; the noble lord had acted wisely, and had properly told the House, that commercial considerations ought not to be taken upon a narrow, illiberal scale, but should be looked at as great objects. All that he blamed in the noble lord was, his having done that meanly, which he might have done with grace and with dignity; for gentlemen must see, that however prudent, and however wise it was to concede to Ireland, when armed, concessions made under such circumstances, could neither have grace nor dignity. The hon. gentleman said, that the associations should always have his admiration and his applause.

He went into various other topics of argument, to shew the danger of this Mutiny Bill; and answered such defence as he conceived would be set up in its favour; that an army raised and maintained in Ireland, under this law, though legal in Ireland, would be illegal in England. This he admitted; but such an army would not be less dangerous, because it was illegal. He said, that soldiers raised, enlisted, and attested in England, might be sent to Ireland, and placed under the military law, which in one instance at least was different from the law of England, since it gave the King power over them in every thing but in life and limb. Though he was an enemy to the dangerous influence of the crown, he was a friend to the just prerogative, and he considered the power vested in his Majesty, of sending troops to whatever place of his dominions might require their assistance, as the most valuable prerogative. It was on this ground that the earl of Chatham said, that retrenching the number of troops to be employed in Ireland, was "tearing the master-feather from the eagle's wing." He considered

therefore this Bill, as containing different laws, to be dangerous to the prerogative, because it might prevent the crown from sending troops from any other place of his dominions to Ireland, or from Ireland to any other part of his dominions, in cases of emergency. And if it could be conceived that his Majesty's ministers should, to the astonishment of the world, foresee danger, and provide against it, this Bill might stand in the way of their growing virtue.

He said, he felt the difficulty of proposing any remedy for this evil. He did not propose the recommitment of the Bill, in order to move to reinsert the word 'Ireland.' He confessed the impropriety of such an attempt; but he was of opinion, that some clause might be adopted, by which the number of the army in Ireland might be limited, and by that means a responsibility established in ministers that might give some security. He was not prepared with a clause to answer the purpose, but such a one, in his opinion, might be framed. It was to be attributed to the negligence of parliament and of ministers, that they were reduced to this dilemma. The responsibility proposed, in no measure affected the independence of Ireland. It was a mere measure of peculiar policy; and in the same manner it would be fit and proper in Ireland to act towards England, if England were to pass a perpetual Mutiny Bill. Many more things he owned he had on his mind to offer on this subject; but he saw the impropriety of urging all that had occurred to him. He was restrained by the consciousness that every thing which he said would be misrepresented in Ireland, and that with the basest of purposes. He reminded the House again, that the Irish Mutiny Bill had originated in this country, and that it had passed under the most suspicious and alarming circumstances. He concluded with saying, that he should move for the re-commitment of the Bill when the present question was settled.

The *Secretary at War* spoke in very guarded terms of the extreme delicacy of the subject now before the House, and wished, as much as possible, to avoid entering into any of those topics which it was obviously better, on both sides of the House and on both sides of the water, from every consideration of prudence and policy, to avoid. The hon. gentleman had, as usual, stated various charges with great strength, which he was persuaded

the House would see in a different light from a more simple state of facts. It had been a great object in former reigns, to endeavour to reduce the legislature in Ireland to pass a Mutiny Bill, which had not been accomplished till the time of queen Anne. The objects of this Bill were the raising, paying, and due government of the army; the Bill of queen Anne went only to the first two objects, but it was a perpetual Bill. In 1688, the first Mutiny Bill was passed in England, at which time an attempt was made to pass a similar Bill in Ireland, which failed. In 1692 a Bill passed the House of Lords, and sent here. The great lord Sommers was then Attorney General; and every one knew how much the Attorney General had to do with Irish Bills in this stage. The great authors of the Revolution were anxious that Ireland should have a Mutiny Bill of her own; and though many attempts were made to introduce one, it was not until it was known that they would not admit of one, that the word 'Ireland' was inserted in the English Mutiny Bill. This Bill was on the same principles as that now the object of debate; like that, it obliged the army to obey certain rules and articles of war, published, or to be published, and authorised by his Majesty; and like this it was perpetual: yet lord Sommers, and all those warm defenders of constitutional liberty, who were then in power, approved the Bill. Those who had been deeply concerned in settling the Revolution, in framing the Bill of Rights, and all the measures of that most respectable period of our history, had concurred in their advice in council to approve this Bill. It had been sent over to the lord deputy Sidney, with an injunction to endeavour to prevail that it should be passed in both Houses, but it failed in the Commons. The perpetuity of this Bill in Ireland he considered as necessary for the very reasons that had been urged against it. It was certainly proper to prevent the great inconveniencies that would arise from the army being subject to different Mutiny Acts in different situations of service; yet this it would be impossible to avoid, if the Mutiny Bill was considered as annual, and subject to alterations in both countries. Considering himself as fully supported by the respectable authorities named, he treated with some degree of ridicule, the ideas of danger to liberty, which had been so warmly urged by the hon. member. It had been

said, that the King might borrow money and raise troops; it might with equal ease be supposed, that the King might borrow troops of neighbouring princes, and employ them on designs dangerous to the liberties of his subjects, or in a direct attack on the constitution, and the restraints by which his authority was confined. When suppositions of this kind were admitted, they might be extended to any length; but he trusted that whenever real danger appeared, there would always be a spirit in this country which would be fully able to resist it, which spirit could receive no support from groundless fears and apprehensions. With respect to the degree of criminality which the hon. gentleman had thought proper to charge upon the King's servants, for suffering the Irish Bill to be made perpetual, he forgot, that if it were high treason, the Irish parliament were equally guilty with the King's servants, because, having adopted the alteration, and passed the Bill with it, they had committed high treason as fully as the King's servants had. The fact was, there was no criminality in the case; and as he trusted he had shewn it was by no means unprecedented, he flattered himself they would agree to the report.

Lord *Mahon* said, had the motion of his hon. friend been a motion to recommit the Bill for the purpose of inserting the word "Ireland," he was prepared to have opposed it; but as the intention of the recommitment was of a different kind, he should support it. His lordship said, he was aware of the delicacy of touching upon the question of the superintendency of the British parliament over Ireland, and of the danger of opposing it in contradistinction to the superintendency of the Irish parliament, and he should carefully avoid coming near those points. His lordship then replied to several parts of the argument of the Secretary at War, and particularly denied, that what Mr. Fox had stated as a supposed case, namely, that a king of England should borrow money of a foreign power to pay his army with, was a matter in the clouds. History proved that such a fact had existed, and therefore it was fair to put it as a fact that might happen again.

Mr. *Burke* said, he felt in a degree fully equal to any gentleman who had spoken, the extreme delicacy of the present subject; but he thought himself called upon not to decline giving his opinion on a subject, in which local attachments might

be supposed to interfere with his duty. In the present divided and distracted state of the empire, when every thing seemed to be falling to pieces, it became men to be firm, and to look on the preservation of what yet remained as their first duty.—On some little noise in the House, he said that he entirely coincided with what had been urged by his hon. friend, which was sufficient for him to say, as the House did not appear to wish to hear him.

The Speaker now put the question, that the report be read a second time, when it passed in the affirmative.

Debate on Mr. Sheridan's Motion respecting the defective State of the Police of Westminster.] March 5. Mr. Sheridan rose to offer his propositions respecting the defective state of the police of Westminster. He began with saying, that if he had presumed to offer his sentiments to the House on this subject at the opening of parliament, he should have felt the necessity of apologizing for the presumption of taking up the matter; since after the recollection of the dreadful tumults which ravaged and disgraced the metropolis in June last, he should have naturally conceived that some gentleman, of more experience and more weight than himself, would have thought it worthy his own attention, as well as that of the House. But as so long a time had elapsed, and no gentleman had undertaken the important consideration, he thought himself both justified and called upon to the task. The police of every country was an object of importance. (Gentlemen would understand what he meant by the term police; it was not an expression of our law, or of our language, but was perfectly understood.) In a despotic country, where the laws were regulated by the will of the sovereign, the view and purpose of the police is to give comfort and security to the subject, and, perhaps, to furnish secret information to the rulers. In a constitution of liberty, like that of Great Britain, it was the duty and the object of the people to prefer the essentials of freedom to the comforts of ease; and they were not to purchase internal protection at the expence of slavery. It was not a dead and slavish quiet; it was not a passive calm and submission that was the ultimate object of police in such a state; but as much good order as was consistent with the active, busy, and bustling genius of liberty. They were not to be awed into submission

by a military dependent on the will of one man, to whom they delegated their power; nor to constitute a police which only could derive maintenance and effect by the intervention of arms. It was for this purpose that the legislature of Great Britain prudently and wisely established a military power only for the duration of one year, or rather they suspended the illegality of the military power for a year. It was for this, that they would intrust no permanent and durable military in the hands of the crown, but preserved to themselves the security of escape whenever that military should be misapplied to objects for which it was not designed. The police of Westminster, in its present condition, was wretched and miserable. Its state was too well known to require description: its weakness and inefficacy were too severely felt at the late dreadful period, to be depended upon in future. To that we were to ascribe the riots and the outrages that had broke forth in June last, and which had raged without control for many days: to that we were to ascribe the order which had been issued to the military to act without waiting for the orders of the civil power. To that we were to ascribe the establishment of military power in this country for four months, and its being extended to every part of the country. It was the police of Westminster that had given rise to all these calamities and alarms; and yet not one measure had been taken, nor one attempt made, to correct that police, or to prevent a repetition of the same dangers.

He was aware it might be said, that if the negligence and the incapacity of the civil power of Westminster had contributed so much to these evils, the same imputation ought to be thrown upon the magistracy of the city of London; since the tumults had reigned with equal impunity in that city, and with equal consequences. To this he could only say, that he could not forget, for a moment, that the tumults began in the city of Westminster; that there they had their small beginnings, and that there they might have been checked with less exertion than in the subsequent progress of their accumulating force. But the success of the riots in the city of London, had been ascribed to the want of conduct and courage in the chief magistrate. It was to him, and not to the civil power in general of that city, that the blame was given. By the same mode of reasoning, he would be per-

mitted to say, that if the chief magistrate of the city of London was condemned for not having animated and directed the resistance, the chief magistrate of the county of Middlesex ought also to be charged with inattention and inactivity in those scenes. If responsibility was to be proportioned to trust, which certainly was the rule and measure of justice, the lord lieutenant of Middlesex was infinitely more criminal than any other man; because his obligations and his powers were greater. Invested with the important trust of appointing and regulating the civil power, it was his duty to see that the magistrates and the officers which he had put into the commission, did their duty to their country; and if they did not, he ought to have collected them together, to have appointed them their stations, and to have put them into active employment. If it should be said that the noble duke could have done no service to the kingdom by such a measure at that moment, because the magistrates were such that they would have disobeyed his orders, then he would beg leave to ask, why were such magistrates put into the commission? The crime was equally enormous in either case. If it should be said, that the office of a magistrate in this city was so exceedingly troublesome and offensive, that gentlemen of character and fortune could not be found to enter on it, then he would ask, why had no measures been taken to put the police on a more respectable footing? and "after the melancholy experience that you have had, how comes it nothing has been done since?" This is the material question; for after the fatal experience which we have had, it became an indispensable duty of government, and of the officer of the crown to whom the regulation of the police of Middlesex was intrusted, to prevent the necessity of recurring again to the alarming expedient that had been used in June last. Was not the conduct of that man or men, criminal, who had permitted those justices to continue in the commission? Men of tried inability and convicted depravity! Had no attempt been made to establish some more effectual system of police, in order that we might still depend upon the remedy of the bayonet; and that the military power might be called in to the aid of contrived weakness and deliberate inattention? It might, perhaps, be the wish of some, that the subject might be familiarized to the use of the soldier; and that, upon occa-

sions less alarming than the last, they might resort again to the same remedy. It was a matter pretty well known, that orders of a nature not dissimilar to those of June last, were given to the military on the acquittal of lord George Gordon. Orderly serjeants were attending in Westminster-hall; the courts of justice were beset with soldiers; and the guards were all in readiness to act in case of necessity. He did not assert this as an imputation upon government. He did not say that they ought to have stood by, tame spectators, and beheld the city set on fire ere they began to act. He only wished to shew from this circumstance, that the weakness of the civil power was recognised by government; that they acknowledged the incapacity, and applied again to the same remedy, unconstitutional as it was, before the necessity was ascertained.

There were only two reasonable excuses that could be assigned for the conduct of government, in issuing the orders that they did to the military power. The first was, that they conceived that the riots were not produced by those men who had assembled around the House, instigated by religious enthusiasm, and impelled by the frenzy of apprehensive zeal; nor yet by a set of vagrants and abandoned characters who had industriously mingled with the original multitude, and taken advantage of the occasion to commit hostilities and depredations on the metropolis; but that they were the effect of a deliberate and deep-laid scheme; a conspiracy, contrived by the enemies of this country, with the intention of spreading plague, pestilence, and famine over this kingdom; to lay the metropolis in ashes; and to strike at the very foundation of our wealth and credit as a nation. If such was the sentiment of government, they might be justified in applying the means which were in their power for destroying the diabolical scheme. If such was the truth, we should have recourse to every expedient; we should have regiments planted in our churches, picquet guards in our squares, and centinels instead of watchmen in our streets. This was the sentiment and the opinion which had been propagated by government, as their excuse and their commendation. A grave and venerable chief justice had pronounced this assertion in the House of Peers; and another chief justice had delivered it from the bench; and on this respectable authority, the world are desired to believe, that the

whole was a systematic conspiracy of the enemy, levelled at the being and existence of the empire. This was an opinion which, if it was true, would justify the exertions which had been made; it was at the same time a doctrine which he, for his part, could not consider as just or well founded. Let them search for its truth in the circumstances and probability of the case. What was the conduct of the two Houses of Parliament on the occasion? Not having been a member of the House at that time, he might for a moment conceive himself to be ignorant of their proceedings. It might naturally be expected, that if there was an active conspiracy in the metropolis, and war was levied against the person and dignity of the crown, the two Houses surely sat from day to day, and day and night, in anxious deliberation; that there were conferences between the two Houses, and committees appointed to fathom the plot, and to contrive and direct the means of national salvation. Was this the case? No: on the contrary, the parliament did not meet, or if they did, met in numbers that were unfit for the study of any national question; they adjourned their Houses; they went into the country, and left the conspiracy and the conspirators to the fugitive justices of Middlesex: they abandoned their country in the moment of danger; even in the hour of attack, they flew from their stations, and delivered over the kingdom to the care of those very men, whose criminal negligence and timidity had given strength to the insurrection in its first movements. He would not believe, then, that parliament concurred with the chief justice in this sentiment; he would not libel them with the accusation, since he could not believe it possible that the House could continue so remiss, so inattentive, and seemingly so ignorant or so careless of the danger, if it had existed. In the House of Lords, a noble duke had at that time brought forward a proposition of the utmost importance, especially at such a moment; and there were but nineteen of the hereditary counsellors of the realm to support the right of the subject to carry arms in his own defence. Was this a proof that the empire was threatened with dissolution by the hostile scheme of the enemy? If the House would peruse the whole of the trials, from that of the first unhappy man who had been brought to the bar at the Old Bailey, to the noble lord who had been tried in

the King's-bench, they would find, that the noble lord was the only person who had been charged with high treason; he was both the leader and the army; not one of his subalterns had risen above the humble charge of felony, and he was the leader and the army in this great machination against the being and the dignity of the state. Forty thousand people were desired by a public advertisement, to assemble, and in the same advertisement the civil officers were also desired to attend to keep the peace. The forty thousand people obeyed the invitation; but the justices and the constables did not. Though it could hardly be believed that so many people could assemble, however pious in their intentions, however orderly in their demeanour, without giving rise to some disturbance, by the interposition of vagabonds, who would take advantage of the occasion, yet the civil officers took no notice of the advertisement. They assembled, and as it was suspected, a multitude of the most abandoned wretches mingled with them, and they pulled down a chapel that night. So weak and untremendous was that mob, that the very chief justice who declared afterwards from the bench that it was an army levying war against the person and majesty of the crown, took five or six of them with his own hand. Several were taken and afterwards expiated their offences at the gallows. The day after they were silent and harmless, a very significant proof of its being no conspiracy; for it was not the nature of a plot to admit of intervals and cessation; its success depended on its rapidity: it would give no leisure for detection and defence; but with closeness it would connect dispatch. When they rose again, they demolished the house of a gentleman, whom he could not better describe than by saying, that it was a house that should have fallen by any other storm than that of popular fury. It was then, and not before, that their rage burst out, and they went to pull down and destroy the prisons, as if conscious of their guilt, and knowing that they could find no fit associates for men who had been guilty of such a deed, but in the cells and dungeons, among those wretches who had forfeited their lives to the laws of their country. In all the trials, in all the proceedings, gentlemen would find no solid and convincing proof of there having been any deep-laid scheme, any regular machination, any plot against the country in these riots.

The other reason which might justify government for the orders which they issued, was, that they believed the substitution of the military to be a safe, easy, and constitutional measure, in all cases of tumult and riot. He would not attempt to go into any serious investigation of this argument, but only assert, that if it were true, that in cases of extreme danger such a remedy might be safe, easy, and constitutional, still it would be improper to be acknowledged by parliament; for what might be legally done would be done oftener. He wished to see a Bill of Indemnity pass, by which the question would be established on its proper basis, and the people would have the confidence of knowing, that though the late interference was salutary, it was unconstitutional. If he wanted any additional reason to convince him of the danger of leaving such a power in the hands of the crown, a circumstance which occurred in the other House on the opening of the session, would give him the most convincing proof of the necessity of deciding on the doctrine. This was, that his Majesty was praised and exalted for not having acted, in that hour of terror and confusion, like the king of Sweden, in directing his arms against the liberties of the country. This was an expression so alarming in its nature, so threatening and so formidable, that he could not help thinking it incumbent on the House to rescue the country from a suspicion so dreadful. What! was it in his Majesty's power, at that moment, to have trampled on the liberties of the country, and to have introduced military government in the place of the present constitution? Was that the crisis when this might have been established, when the minds of the people were lost in terror and confusion? No, that was not the moment of danger; the crisis was, when, after the interference of the military power, the chief justice of England said, that it was legal, and asserted, that the military acted not as soldiers, but as citizens; and when this declaration was not objected to by a specific resolution of parliament, but bore the testimony of general acquiescence. That was the moment when the liberties of the people were in danger; and if it did give the opportunity to the crown, the opportunity still existed. It had been asserted, in some instances at least, without a cause. The danger was confined to the metropolis; then, why was the order extended to every part of the kingdom?

Or granting that it was necessary to extend it, why continue it for four months? If this doctrine was to be laid down, that the crown could give orders to the military to interfere, when, where, and for what length of time he pleased, then we might bid farewell to freedom. If this was the law, we should then be reduced to a military government of the very worst species, in which we should have all the evils of a despotic state, without the discipline or the security. But we were given to understand, that we had the best protection against this evil, in the virtue, the moderation, and the constitutional principles of the sovereign. No man upon earth thought with more reverence than himself of the virtues and moderation of the sovereign: but this was a species of liberty which he trusted would never disgrace an English soil. The liberty that rested on the virtuous inclinations of any one man, was but suspended despotism; the sword was not indeed upon their necks, but it hung by the small and brittle thread of human will. He adverted to his Majesty's speech from the throne after the riots, which had been peculiarly called his Majesty's own speech; he desired it to be read from the table.

The clerk then read the first part of his Majesty's speech of the 19th of June last, viz. "The outrages committed by bands of desperate and abandoned men, in various parts of this metropolis, broke forth with such violence into acts of felony and treason, had so far overborne all civil authority, and threatened so directly the immediate subversion of all legal power, the destruction of all property, and the confusion of every order in the state, that I found myself obliged, by every tie of duty and affection to my people, to suppress, in every part, those rebellious insurrections, and to provide for the public safety, by the most effectual and immediate application of the force intrusted to me by parliament."

Here, said Mr. Sheridan, his Majesty takes the whole upon himself, and rests the issuing of the order on its true ground, the necessity of the case. If his Majesty's ministers had followed the example of the sovereign, and come down to parliament desiring a Bill of Indemnity, the House would have added panegyric to their consent, and would have praised their moderation in the second instance, while they extolled their exertion in the first. He entreated the House to forgive him for

having dwelt so long on these excuses, which were all that could be urged in favour of ministers for acting as they did on that occasion. Either they must believe that the whole of the outrages were the result of a deliberate plot and machination, contrived by the enemies of this country, and aiming at the overthrow of the empire; or that the substitution of the military was a safe, easy, and proper remedy in all cases of riot and tumult. These were the only arguments which could justify ministers in the orders which they had given. He would trouble them no farther than by offering to them the propositions which he held in his hand, as the ground of a remedy for the evil of which he had complained. He carried his ideas much farther than he had brought them forward to the House; but he had been restrained by the opinions of men for whom he entertained much respect. He now read his motions, the purport of which were as follow: 1. "That the military force entrusted to his Majesty by parliament, cannot justifiably be applied to the dispersing illegal and tumultuous assemblies of the people, without waiting for directions from the civil magistrates, but where the outrages have broke forth into such acts of violence and treason, that all civil authority is overborne, and the immediate subversion of all legal government directly threatened. 2. That the necessity of issuing that unprecedented order to the military, on the 7th of June last, to act without waiting for directions from the civil magistrates, affords a strong presumption of the defective state of the magistracy of the city of Westminster, where the riots began. 3. That a committee be appointed to enquire into the conduct of the magistracy and civil power of the city of Westminster, with respect to the riots in June last, and to examine and report to this House, the present state of the magistracy and government of the said city."

He concluded with moving the first of these propositions, which, he said, as it was altogether declaratory, he trusted would not be opposed. At the same time it was not essential to the subsequent motions, which were specific, and went to the purpose for which he had presumed to call the attention of the House.

Mr. *Fitzpatrick* seconded the motion, and said, that he, as well as the profession in general to which he had the honour to belong, would thank the hon. gentleman for bringing on the business, and clearing

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up a doctrine which gave them very much uneasiness and pain. They were anxious to have the question brought to a decision, that it might remain no longer in doubt and perplexity. If the military were to be employed against their fellow-citizens, without waiting for the orders of the civil power, he should no longer wish to belong to a profession so dangerous and fatal to the liberties of the country. At the same time, he said, the justices of Middlesex were too eager to call in the military power. On every little occasion they resorted to this desperate remedy, and found in the assistance of the military a ready excuse for the want of their own exertion and activity. He had often had the mortification of attending them in those combats, combats which the French described by a term, which, indeed, was vulgar, and he trusted the House would forgive him for using it; by the term *guerre des pots de chambre*. He was called upon in the late riots, and he acted in that *guerre des pots de chambre* which was instituted against the person and the dignity of the crown. In all that war, the persons who menaced the crown and the constitution of the country, were men of the lowest character, unarmed, undisciplined, and who had not drawn a drop of blood, that he had heard of, so much as a broken head even, during the whole struggle. He drew a ludicrous picture of the rabble on the idea of its being a disciplined army marching in battle array, seemingly in allusion to the language of the crown lawyers on lord George Gordon's trial; and gave an account of them afterwards in more serious terms from his own observation, introducing some sharp animadversions on the cowardice of the civil magistrates. The hon. gentleman, he said, had alluded to an expression in the other House, at which he could not forbear professing his indignation. To suppose that the military would assist in overturning the constitution, if the monarch required it, was a libel on the profession. Could he believe such an opinion well founded, he would think his character as an officer disgraceful, and would hold it no longer. He earnestly recommended the consideration of the business, and trusted that some mode would be established to put the police of this great city on so respectable a footing as to render the interference of the military, in cases of riot, unnecessary.

The Earl of *Surrey* objected to the latter part of the first motion, as making the pur-

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port of the whole vague and indeterminate. Overthrowing the civil power was a matter which would admit of various acceptations; and if a discretion was given to government to interpret that charge, it might be applied to every riotous act whatever.

Mr. *Sheridan* said, the noble lord had not accurately attended to the words of his motion; for he had himself adverted to the latitude which might be taken in interpreting the exception, and therefore, instead of stating the order for the military even in such cases to be legal, had only called it justifiable, leaving the specific justification, as now, open to the review of parliament in every particular case. He had, however, no objection, to leave out that clause, and advised it to be done; but was informed by the Speaker that as the motion had been made and seconded, it could now only be altered by another motion for an amendment. He then said, he had no objection to withdraw the first motion entirely, since it was merely declaratory.

The *Solicitor General* opposed the motion. He said it did not alter the matter to withdraw the first motion; he objected to the whole tenor of the business. He thought it quite unnecessary to touch upon such questions as those decided on in the resolution proposed, which he conceived had nothing to do with reforming the police of Westminster; and such declarations were the less requisite, as he could not recollect one instance wherein the legislature had by name introduced the military into any civil regulations; the power of suppressing commotions was left entirely to the magistracy, without any express provision for military assistance; and therefore it was best not to form abstract opinions into resolutions of the House, but leave the vindication of ministers, for calling in the soldiery, to rest as it had hitherto done, on the necessity of the case. He thought the complaint which had been urged against the measure in question peculiarly unreasonable, because the behaviour of the military had been meritorious in the extreme. No instance of cruelty or insolence had been or could be adduced, nor had they abused the power committed to them in a single instance: on the contrary, if their behaviour had been in any respect exceptionable, it was in being too passive at first, and waiting too tenaciously for the authority of the civil magistrate to direct them. Their interference he should entirely con-

sider as that of citizens anxious for the preservation of public order, and in that character the employing them was surely unexceptionable. This doctrine had been brought into dispute, he thought, very idly, since nothing could be more clear and distinct, than that every man in this country, soldier as well as citizen, was bound by his obligations to the community, to protect the property and lives of his neighbours against violence and outrage. Therefore, when they saw any act of felony committing or committed, they were called upon to assist the oppressed, and if they could not prevent the felony without making use of force, they were bound by their allegiance to resort to that force. There was no distinction between citizen and soldier in this respect, their duties were the same, and their justification would also be equal; it would depend entirely on the necessity of the case. The riots had been ascribed to the want of spirit in magistrates; if that was a true explanation of those unhappy events, it was plain we were not deficient in police, but in magistrates only.

He next commented ironically on that spirit of legal inquiry, so observable in the hon. gentlemen who were the authors of this motion. In that place of wisdom every thing was understood; they understood naval affairs, and military ones perfectly well, and there was not such a congregation of lawyers in the world. As to the law point a little drawn into question that night, he might with propriety declare any decision of them on the present question unnecessary: but one seeming a little connected with his own conduct, it would seem like shrinking from inquiry, should he avoid touching upon it. This was with respect to the nature of the offence for which a noble lord was lately tried. The crown lawyers had been in several places much condemned for indicting his lordship on high treason, and yet he would not scruple to avow that he entirely approved to this moment of that mode of prosecution. He begged he might not be here understood as impeaching, in any degree, the abilities or intrepidity of the twelve gentlemen who tried lord George Gordon. They judged from their wisdom, and decided, no doubt, thereon with the best of their judgment; but this he would be free to say, that if the facts stated by the counsel had been satisfactorily proved, the noble lord was unquestionably guilty of the crime of high treason. Here he

took a review of the several facts charged against lord George Gordon, and attempted to be supported by evidence on the trial; adding, that he might give his opinion the more safely within those walls, as several parts of his lordship's conduct there, which could not for good reasons be brought forward against him on the trial, spoke more strongly against him than any of those stated to the jury. In holding this language, with respect to his lordship, and in his conduct on the trial, he disclaimed any screen behind the character of the advocate; he spoke ingenuously his sentiments, and would not, on such an occasion, exceed in severity the suggestions of his own conscience for the universe. Once more he would profess, that he approved of the prosecution, and thought the facts it proceeded on, if true, amounted to high treason in the object of it. He had not the conduct of the process on its institution, not being then Solicitor General, but if he had, his sentiments would have been the same as now.

The term military government had been much used upon this occasion. It was a language which in this country he could not clearly understand, and believed the gentleman who adopted it had no precise meaning for it. It was popular language, no doubt, and adduced merely *ad populum*; but while the spirit of our military gentlemen remained unaltered, there was no fear of such a chimerical system being brought into practice. As to an expression which had been quoted from the other House, it certainly was a very foolish one, and he was not to learn, that in every popular assembly many foolish things would be said; perhaps enough might sometimes be found in their own House, without going in search of them to any other place. He confessed himself against any alteration in our police; it having, in its present form, been found, through the course of ages, adequate to every common purpose; and as to the riots in June, it was a single instance of a defect in the civil power, which, in all probability, would never again occur. If the number of magistrates was found insufficient, there was a power in the crown to augment it, and any addition which might appear necessary could be made in three days. He never, therefore, could give his assent to a resolution which, if he rightly understood its principle, was calculated to establish a new kind of military power, not subject to any controul of the crown, to remedy an evil

which could so much better and more easily be remedied another way. The noble lord at the head of administration had been complained of, because the order for the military had been made general; that is to say, in other words, because he had taken care to preserve the property of those poor Catholics in the country who had not yet been attacked, this wicked and diabolical minister was attempting to introduce a military government! He sat down, professing a total disapprobation of it, both in form and principle.

Mr. *T. Townshend* said, that the learned gentleman was greatly dissatisfied that the House should arrogate to itself any professional knowledge. It was presumptuous, it seemed, in that House, to know any thing either of naval or military affairs, but to understand any thing of law, was worse than all! He, however, must venture to incur the learned gentleman's contempt, by thinking that House had some right to interfere in the laws of their country, and the opinions of our ancestors would support him in that idea. They thought it an essential branch of duty to look into the conduct of the courts in Westminster-hall, and if they had not sometimes been very attentive to solicitors and attornies general, our constitution in the present day might not have had much excellence to boast. The hon. gentleman who had made the motion, had expressed all the diffidence which it became him to express as a young and unexperienced member; but his speech had fully proved that he was equal to any task which he might think proper to assign himself; he had alluded to an opinion that it was imprudent, and might be dangerous to bring any great constitutional question into agitation in the present times. It certainly was so, and every real friend to liberty would rather wish to have many resolutions on subjects most sacred to liberty, and to the preservation of the constitution, as they were framed and supported by our ancestors, than bring them into agitation now, when they might receive much injury, but could hardly obtain any new accession of strength; but as the hon. mover had thought proper to state a proposition to the House, highly proper in itself, and perfectly constitutional, he hoped the House would adopt it, and not by a rejection give the colour for an assertion that they thought the proposition wrong, or that they were of a different opinion. In the

course of remarks upon the riots, he professed some sympathy with that unfortunate man, the Lord Mayor of London, who was, he understood, to pay all the damages of Mr. Langdale's prosecution. He remembered that magistrate when he kept an excellent tavern, to which he, who was fond of taverns at that time of day, frequently resorted. Honest Brackly Kennet gave good dinners and made a long bill, but it was the least of his expectations at that time, that he would ever be called to account for not saving the capital. The learned gentleman thought our liberties secured by the public spirit of our soldiery; but for his part, he should be very sorry to rest the freedom of his country on such a foundation, if they were frequently to be invested with those powers they possessed in June last. By the habitude of such services, the minds of men gradually acquired a blood-thirsty and ferocious nature, and it might readily be conceived how apt the soldiery would be to abuse a flattering authority, to which they have been formerly unaccustomed. To such a pitch of vanity did the common soldiers arrive in June last, from being told they were magistrates, and being clothed in fact with the powers of magistracy, that he had heard them frequently address each other by the title of "Your worship." He was firmly of opinion, that an indemnity bill was necessary to the character of the minister, as well as to the security of the subject. After the riot about the Gin Act there was an indemnity act; and it had always been thought by constitutional men as necessary, in order that the illegality of employing the military might be recognized by parliament.

Mr. *Pelham* said, that a single instance of mal-practice in the executive administration of a city police, was by no means a sufficient foundation for destroying the established system of interior government, and introducing a new one.

Lord *North* said, that the hon. gentleman, who had opened his motion with such particular ability, had mentioned it in his introduction as a matter of surprise, and as a confirmation of his sentiments concerning the subject matter of the motion, that the ministers had not petitioned the House for an Act of Indemnity, after they had been guilty of having recourse to the military power on the 7th of June last. The ministers, he said, had several reasons for entertaining no such idea. In the first

place, an Act of Indemnity was only necessary where one individual was liable to a prosecution from having done another an injury, by an act which had nevertheless been productive of the greatest public utility. It sometimes happened, that in the accidental consequences of those great political measures, which, from the emergency of the particular crisis, were necessarily to be adopted, without the knowledge or consent of parliament, some particular citizen might sustain considerable injury; and as the minister had exceeded law in the execution of the measure which had produced this injury, the suffering man could have a legal action against the minister, and might recover damages in a court of justice. In such instances, therefore it was necessary for the author of such a measure to have recourse to parliament to secure him against the stigma and inconveniencies which would attend a conviction in a court of justice; and it had been the uniform practice of parliament to grant these indemnifications with alacrity; but, in the present instance, what individual was there who could pretend to have sustained an injury? In protecting the lives and securing the property of his Majesty's subjects, he felt no apprehension of a prosecution. If any such instance should occur, then, and not till then, would he apply to parliament, for it was never too late to supplicate their patronage, and to shield him against the effects of such an assault. Another reason why he had solicited no indemnity as yet, was this, that so long as parliament were quiet as to his conduct, he required none. They had it in their power to impeach him; if they did not, that was his indemnity, and he was perfectly content with the tacit implication of protection which they had hitherto by their forbearance afforded, and he doubted not would continue to afford him. There was still another circumstance which had operated with him, inducing him to neglect the application which the hon. gentleman seemed to expect, and that was this: a full and perfect consciousness that he had done his duty, and no more than his duty; that he therefore had no occasion for an indemnification, for the proper execution of duty required none. Necessity superseded all law, and constituted law. Where that existed, illegality was nonsense: there could be no illegality then, properly considered, for the first of all laws inhered in such instances, and justified what it produced. Would any man

seriously contend, that the dreadful tumults in June last had not constituted a necessity? If they had, the remedy that was applied, however illegal under different circumstances, and under different circumstances he admitted it to be so, ceased to deserve that appellation, and became as perfectly constitutional as any act could be under any possible supposition or situation whatever. The principal object of the motion, as he understood it, was this, to regulate and define the circumstances under which, and which only, it should be proper and legal to recur to the military power. An attempt of this kind was, in his estimation, perfectly impracticable. There could be no definition comprehensive enough to include all the possible variety of cases which might occur; and what would be the consequence, if an instance should happen not embraced in the description, but this, that there would be an unavoidable timidity in the executive power, and the effects of any tumult might extend to a degree fatal to the constitution and existence of the country? But where would gentlemen choose to have the power reposed, of preventing improper applications of the military? Surely not in better hands than it now was; for this power was in the possession of parliament. Nothing could justify the introduction of this power but necessity, and the parliament always had the right of inquiring into the nature and degree of that necessity. If it was made a false plea, then they could punish the authors of it; if not, nothing illegal had been committed, and the liberties and constitution of the people remained untouched and uninfringed. With respect to this particular point, therefore, he did not deem the improvement practicable; for the rights of the people, and the properties of the constitution, could be no where so securely defended as in the protection of parliament, and there it rested at present. If any immediate remedy, however, had been either wanted or practicable, it certainly was not likely to be produced by the motion in question. The terms of that were too vague, and too indefinite, either to operate as a direction or a security to the persons concerned in the execution of the business implied in it. How could military men understand them? It was acknowledged that soldiers were not the most conversant in law. What then would they be able to make of such a wide description as this, namely, "where

the outrages have broke forth into such acts of violence and treason, that all civil authority is overborne, and the immediate subversion of all legal government directly threatened." How were men avowedly not skilled in discrimination, and too modest to confide much in their own talents, to be able to perceive when this critical moment was or was not arrived? It was very likely they might err in their construction, and if they did, there was no appeal against them, and they could not be responsible for any consequences arising from their injudicious exercise of a legal power; whereas the ministers in whom that occasional power was now in some degree invested, were always amenable to parliament for their just application of it, and parliament therefore were in the ultimate possession of that prerogative. His lordship proceeded to remark, that he did not expect to hear so vague a discussion introduced from the simple foundation of a bare motion for the regulation of the police of Westminster; but whatever might be his opinion of that police, he would suspend his sentiments for the present, and content himself with opposing a motion too indefinite to be either clearly intelligible, or easily practicable, and not calculated for the redress of any constitutional grievance whatever.

Mr. *Turner* remarked, that the magistrates of Westminster might very fairly be compared to rat-catchers; for in their endeavours to destroy the human vermin, which it was their business to pursue, they were sure to leave some for the good of the breed.

Sir *George Savile* professed himself much obliged to the learned gentleman who had gone so far into the arguments he had used on the trial of lord George Gordon. He had not been able to obtain admission at that trial, and he felt his curiosity gratified by the recital: but for what other purpose they were recapitulated, other than to gratify the curiosity of gentlemen in his predicament, he could not see, as they were foreign to the question now before the House. A part, indeed, of the learned gentleman's speech had been more immediately pointed to the subject in debate, but it contained doctrines at which he felt himself much alarmed, as highly dangerous to the constitution, because it went to disguise that great source of danger, that constant object of terror, to every man who valued constitutional liberty, a standing army.

Soldiers, we were told, were to be considered in common with other subjects; three or four of them were formed into a file, others were added; they were lengthened and deepened into columns and battalions, and still considered merely as citizens, perfectly harmless to the constitution; and we were told no sort of danger whatever was to be apprehended from employing them in services which the voice of the ancient law, and the policy of our most virtuous ancestors, had guarded most anxiously against their being employed. Admitting the quibble for a moment, that such doctrine might be law, with respect to the interposition of one single individual, would the learned gentleman, who had that day maintained this opinion in the House, farther contend that there was no difference between one man's interfering, admitting that one man to be a soldier, and a regular body being called upon by the King to act under the command of his officers, and execute his purposes? The learned gentleman knew this to be an unconstitutional doctrine, and when he mentioned it there, he doubtless had recourse to some such personal bisection as was referred to in his doctrine, and gave this opinion, not as a lawyer, but as a member of parliament only. He would willingly have waved the discussion of this business, but as it was fairly before the House, ministers ought to be very cautious how they proceeded concerning it; for by negating the proposition, they would in all probability excite suspicions very injurious to the safety of the country, and the preservation of the constitution. What would the world think when they put these circumstances together? The crown appoints the magistrates of Westminster, and ministers contend, that the introduction of the military is to be directed by the mandate of such magistrates, and by no other influence whatever. This had a very suspicious aspect, and might produce bad consequences. He cast no reflection, but he would wish every cause for reflection on a subject of such importance to be totally removed. Magistrates would also naturally grow careless, if they were apprised of the doctrine that the military might possibly act without them.

Sir Grey Cooper justified the employment of military men in the suppression of tumults, and the ideas that on such an occasion they were considered in the eye of the law in common with other subjects, by ancient precedents as high as Henry 7,

when a tumult was suppressed by the sheriff of Norfolk, aided by 300 men in array, not soldiers indeed in the modern sense of the word, but such men as had conquered at Cressy and Agincourt, men serving under feudal tenures, and possessed of all the superior advantages of discipline which the times could give; but no danger was apprehended from them, and in the cases where their conduct, in suppressing the tumults, was mentioned, it was greatly applauded.

Mr. Fox said, that much of what had been urged against the motion might have been spared, if the words of it had been attended to. All that was said about employing the military under the direction of the civil power was totally nugatory; nobody disputed it. The case quoted was, that 300 military men acted under the direction of the sheriff, who was the person of all others the most proper, and on whom the constitution principally depended for the suppression of tumults and popular commotions. The opinion thrown out by the Solicitor General, that the House was unequal to the task of debating with propriety on naval and military questions, and particularly on questions of law, and that foolish and improper things were said in popular assemblies, he treated with severity. He shewed the gross impropriety of the assertion, in a manner equally convincing and humorous. He said, he had been always used to look upon popular assemblies as the most advantageous places for free discussion; had been early initiated in them himself, and had been taught both by habit and reflection, that the remaining parts of the constitution had been preserved by their means, and their means only. But why did he speak of constitution? This was some of the foolish things usual in popular assemblies, which the learned gentleman did not or would not understand. The learned gentleman had expressed it as his opinion, that a soldier, in a case of emergency, acted only as a common individual; and yet he had granted, that in so acting he was still under the controul of officers, and subject to punishment for disobedience. How did these parts of the learned gentleman's reasoning agree? But after having hazarded an assertion, that many foolish things were said in popular assemblies, perhaps the learned gentleman conceived himself under a necessity of producing a proof of his assertion, and had, therefore, made this remark upon the tail

of his declaration. As to the propositions of his hon. friend, he highly approved of them, and paid warm encomiums on the elegance and energy of the speech with which he had introduced them. He said, at the same time, that he had not flattered his friend with the expectation of success; he had not given him any encouragement to the attempt; for he had been longer in parliament than his hon. friend, and he knew the disposition of the House too well to be sanguine of the success of any constitutional question.

The *Attorney General* confined himself principally to the justification of the trial of lord G. Gordon, and of his own conduct, but gave a general opinion against the motion.

Mr. *Dunning*, after a cool and masterly view of the general topics, confined himself to the proposition which they were called upon to adopt; this he highly approved; it contained a palpable truism, a fact which no man who had any regard for the constitution would dispute, and not, as had been said, a vague definition.

The first motion was withdrawn. The House then divided on the second:

Tellers.

YEAS	{	Mr. Fitzpatrick	-	-	-	} 94
		Mr. Dempster	-	-	-	
NOES	{	Lord Westcote	-	-	-	} 171
		Mr. De Grey	-	-	-	

So it passed in the negative. The third resolution was withdrawn.

Debate on the Budget.] March 7. The House having resolved itself into a Committee of Ways and Means,

Lord *North* rose and opened the budget. He began with saying, that it gave him great concern, that he could not state to the committee at that time the taxes which he meant to propose as a fund, for answering the annual interest of the sum to be borrowed for the service of the year. The taxes had undergone very nice and sober investigation; but they were not yet, in his opinion, sufficiently enquired into to be submitted to the consideration of parliament. Several papers of calculations relating to them had come into his hands but a few days before, and some fresh difficulties had started, which would require further deliberation. In the course of a few days, he would lay them before the committee; and in the mean time he could only say, that they should be efficient, and he hoped not burthensome.

The only business, therefore, that he had before him on this day was, to open the state of the expences of the current year, with an account of the sum which the ways and means, already voted, had granted towards that supply, and to move for the loan necessary to make up the surplus that was wanting; and even in this respect he found himself under considerable difficulty: he could not state to the committee the whole of the several services of the year, since some of the estimates had not yet come before the House. He could, however, make very probable conjectures of the amount of the services that yet remained to be voted; and such as the committee might go upon, so far as was necessary to the business of the present day.

The sums already voted were as follow: the whole amount of the Navy was 5,736,277*l.* 3*s.* 7*d.*; Army 4,239,144*l.* 0*s.* 1½*d.*; Ordnance 1,030,106*l.* 18*s.* 4*d.*; Exchequer bills of last year 1,500,000*l.*; Vote of credit of last year 1,000,000*l.*; Miscellaneous services 277,186*l.* 6*s.* 11*d.* Deficiencies on the taxes of 1777, 1778, 1779, and 1780, 639,072*l.* 2*s.* 11¾*d.*; In all 14,421,786*l.* 11*s.* 11½*d.*

In regard to the last article, the deficiencies as now stated to the committee, exceed those of last year by more than 100,000*l.* but there were in the sum now brought before the House, the deficiencies of four years, and the sums of last year had only the deficiencies of three years. The deficiency of last year alone was more than 200,000*l.* but this deficiency did not arise from any defect in the taxes themselves, but from the mode of their establishment; the fund having commenced in January, and the taxes not taking place till Midsummer. For the rest, the deficiencies of the preceding years were much less this year than they were the last; and there was the fairest prospect of their answering, not only the whole of the sum at which they were taken, but a considerable sum more. He held it to be a most essential part of his duty to propose taxes that would be efficient, since by their failure they were obliged to come upon the sinking fund with charges that were very injurious and impolitic. Three of the taxes which he had proposed, had failed at first, and failed considerably; but they had failed more from their novelty, than from their inefficacy. The House Tax was now clearly understood, and would undoubtedly produce the sum

at which it was taken; the Servants' Tax also promised to bring a much larger sum to the revenue than that for which it was given. But it wanted some regulations in the mode of collection. The Post-horse Tax now held forth the most promising appearance, as it had produced nearly double since the alteration.

The sum already voted for the supplies of the year was, as he had stated, 14,421,786*l.* 11*s.* 11½*d.* There still were several services which remained, and which, though he could not state with accuracy and precision, he could yet state very near to their amount. The extraordinaries of the army would be about 3,400,000*l.* besides this, there would be under the same head of war-office, a sum of about 150,000*l.* wanted for the raising independent companies, and for raising some troops in Ireland, on the English establishment; so that the sum altogether, which yet remained to be voted for the army service, he looked to be about 3,650,760*l.* The amount of miscellaneous services was 41,000*l.* The deficiencies on land and malt had been taken last year at 450,000*l.* They had not amounted to so much as that sum, and from the justest calculation he would not state them at more than 350,000*l.* The coinage was 8,004*l.* The deficiency of the grants of last year, arising from several causes, amounted in the whole to 257,955*l.* 3*s.* 0½*d.* But from that sum there was to be taken the amount of savings, arising from several causes, 249,401*l.* 4*s.* 9*d.* So that the deficiency of grants to be voted was 8,553*l.* 18*s.* 3½*d.* A sum to pay exchequer bills 1,900,000*l.* A sum, by a vote of credit, to pay off so much of the navy debt, 1,000,000*l.* The whole of the sum that yet remained to be voted was therefore 6,958,416*l.* 18*s.* 3½*d.* And the whole amount of the sum necessary for the service of the present year, voted and unvoted, was 21,380,202*l.* 11*s.* 11½*d.* And for which sum it would be the duty of parliament to procure ways and means. The House had already voted a part of this sum, by the land and malt taxes 2,750,000*l.* By a surplus sum lying in the exchequer, above paying the grants of parliament, 288,346*l.* 19*s.* 8*d.* He meant to raise by exchequer bills towards the supply of the year 3,500,000*l.* And he proposed to charge the sinking fund with a larger sum this year than the last, and for this reason: upon a review of the produce of the sinking fund for the last

20 years, dividing it into four periods of five years each; it appeared that upon an average of these five years, it had been regularly on the increase. In the period of five years, beginning Oct. 1761, and ending in 1765, the receipt of the sinking fund was, upon an average, somewhat more than 6,500,000*l.* the sum charged upon it was on an average 4,289,836*l.* 4*s.* 9*d.* and the disposable sum on the average of that period was annually 2,090,903*l.* From 1765 to 1770 the disposable sum on the same average was 2,266,246*l.* From 1770 to 1775, the sum was 2,651,453*l.* From 1775 to 1780, the sum was 2,868,012*l.* 7*s.* 4*d.* So that from this view of the gradual increase of the sinking fund, the committee would perceive, that a very material advantage might be taken of the fund for the ways and means of the current year. He meant to charge it with 2,900,000*l.* and gentlemen would not think this was too large a sum, when they were told that the disposable sum in the last year was considerably more than the average of the last period which he stated. And the committee would also consider, that the sinking fund would receive an accession this year of 190,000*l.* by the reduction of 4 per cents, which, if parliament did not mean, or were not inclined to apply to the service of the year, would leave a considerable sum in the sinking fund unappropriated.

These sums, voted and unvoted, together with the sum of 12,000,000*l.* which he proposed as the loan for the year, and which he was about to propose to the committee, would amount to 21,438,346*l.* 19*s.* 8*d.* which was a surplus above the supplies, voted and unvoted, of 58,144*l.* 7*s.* 8¾*d.* This surplus would certainly answer for any sum to which the supplies that yet remained to be voted would come to, above what he had stated them to be from conjecture. In this statement he had allowed nothing for the savings, or money now lying in the exchequer, or in the hands of the different accountants of state. There would in the course of this year come in several balances to a considerable amount, from different accountants, in consequence of the reports of the commissioners, appointed to examine the public accounts. These commissioners very properly following the plan and rule presented to them in the Act, had first enquired into the modes of the collection of the revenue; and from the reports which

they had already made to the House, gentlemen would perceive, that advantages would be derived from their corrections of abuse: but in this particular, they would not be so beneficial as in others; for the reception of revenue in this country was as simple, and as clear, as in most countries; and he was apprehensive that the alterations to be made there, even in times of peace, would be immaterial. But by and by, they would come to a more important subject—to the expenditure of the public money—and there they would find several large and considerable balances lying in the hands of different accountants, or of those of their executors, because their accounts could not be made up, which would come in very opportunely, and be applied agreeable to the resolution of parliament. He was one of those accountants, jointly with another person, and there was a considerable balance in their hands. If it amounted to a million, or thereabouts, the House would consider whether it might not be very properly, and with much public benefit, applied to paying off so much of the navy debt, by which means, we should be able this year to pay off two millions of that debt.

The noble lord now observed, that it might be objected to him, that in proposing a loan of 12,000,000*l.* he should bring the committee to consent to vote the money, without having examined the estimate, or knowing the service. It certainly was the rule of parliament not to grant the money where the service was not before the House. He wished to attend to this rule, and in fact he did so, for the House had already granted supplies to an amount that would justify them for voting the sum proposed. The sums already voted, were 14,421,786*l.* 11*s.* 11½*d.* To this might be added with propriety, the sums for which the House were bound by former grants, though they had not been voted this year: that is to say, the deficiency of land and malt 350,000*l.* The sum of exchequer bills issued in consequence of the vote of last year 1,400,000*l.* So that there was a supply actually, the same as voted of 16,171,786*l.* 11*s.* 11½*d.* Towards this there was only voted of ways and means 3,038,346*l.* 19*s.* 8*d.* Add to this the sum of the loan 12,000,000*l.*—15,038,346*l.* 19*s.* 8*d.*; and there was still a surplus of supply voted, above the ways and means of 1,133,439*l.* 12*s.* 3¼*d.* This statement would satisfy the House, that they were not, in going into the business

of the loan on that day, transgressing against the laws of parliament, by granting the money without estimate of service.

The noble lord came now to the immediate subject of the loan, which was the business of the day. He lamented exceedingly, that he should be obliged to come down and propose so large an addition to the debt of the empire, where we were obliged to borrow on such disadvantageous terms, arising from the low state of our funds. It was, however, a calamity to which, in our present situation, we must unfortunately submit: the proposition which he had to make, was for a loan of 12,000,000*l.* on the following terms, which certainly were hard: 150*l.* of 3 per cents consol. 25 of 4 per cents and 4 lottery tickets to each subscriber of 1,000*l.* in a lottery of the same size as that of last year. At the beginning of last week, such was the state of our funds and of our affairs, that the money-lenders would not agree to take the 3 per cents at more than 55, and the 4 per cents at more than 68, taking them at this rate: 150*l.* of 3 per cents, at 55, was 82*l.* 10*s.* 25*l.* of 4 per cents, at 68, 17*l.* 1 lottery ticket, reckoned at 1*l.*—100*l.* 10*s.* So that in this way it came to no more than 100*l.* 10*s.* and there must have been a larger douceur, in order to have got the money; so that if he had concluded the matter at that time, or even later in the week, he must have made a very hard bargain for the public. But since that time circumstances had happened, news had arrived, and hopes of pacification had arisen, which had wrought a considerable effect on the funds; by which means he had been able, on Monday last, to make a better bargain, though undoubtedly it was still a very hard one. The terms which he had then agreed on, were to give to every subscriber of 100*l.* 150*l.* of 3 per cents consol. at 58, 87*l.* 25 of 4 per cents at 70, 17*l.* 10*s.* Four lottery tickets to each subscriber of 1,000*l.* reckoned at 1*l.*—105*l.* 10*s.*

These were the terms which he had been obliged to give for the money. The 3 per cents were at 59 when the bargain was made; if they continue at that, it would add 30*s.* to the douceur and raise it to 7*l.* but the money-lenders would not take it at that rate, since the circumstances which had happened to affect their sudden rise were not so beyond the reach of fate, as to be trusted to, with any degree of certainty. There had come nothing cer-

tain, nothing to be depended upon, it was only a tendency to a peace, which, if nothing came to check it, might conclude in the prosperous event; but it was very far from being solid, and should it be checked, should a reverse of fortune arise, it would certainly affect the funds in a very considerable degree, and in all probability bring them down again as low as they were before the rumour. This the money-lenders considered; and as money-lenders generally chuse the safe side, they would not agree to take the 3 per cents at more than 58, though they were at 59, and the 4 per cents at more than 70, though they were at 72. The noble lord observed, that the plan of raising the money this year, made undoubtedly an increase of capital; a circumstance which, in the eyes of ignorant people, was always considered as a very great calamity. But, upon the whole, he considered this as the cheapest mode of borrowing money. To borrow on a fund of 5 per cent. though it has its advantages, has also its inconveniences. The money-lenders are not fond of it, they are afraid of its falling in value. He was aware that it might be said, that the principle upon which he had made former loans, was directly the reverse of the principle of this, viz. here the terms tended to increase the capital of the national debt, and formerly the loan was procured by annuities. In answer to this, he should say, that it had always been his opinion, that the best way of making a loan, was by increasing the capital, and to raise the money at as low an interest as possible, because it was the interest that the people were burdened with paying of, and not the capital: but then it would be said, If this was always your opinion, how came you to make your former loans on a very opposite principle? To which he would reply, that increasing the capital of our debt was a matter very apt to alarm ignorant and unthinking people, and the spreading of such an alarm, however causeless the panic, might do much mischief; and therefore, rather than give rise to such an alarm, he had made his former loans upon the different principle, thinking it wiser to burden the public with somewhat more interest; and he was free to own, that he wished to have done the same this year, and should have thought it wiser, could he have got the monied people to come into such terms. He had proposed to create a 5 per cent. stock, and an annuity, but when he came to propose it, nobody would listen to it,

unless he would make the stock irredeemable for 15 years certain. As to a 5 per cent. he scarcely knew at what to have taken it, for some put one price upon it, others another: however he was obliged to give up the idea for the reason he had stated. He however owned, that he would have preferred raising the money by this means, but the terms which the money-lenders demanded were extravagant. He stated these terms, and shewed that in the first instance he would have had an interest to pay of $7\frac{1}{2}$, instead of $5\frac{1}{2}$; and to raise consequently an annual sum of between 7 and 800,000*l.* instead of 660,000*l.* which was the annual interest to be raised by the plan on which he had agreed. The difficulty of borrowing on the ground of annuities arose from their being an unsaleable commodity in the market.

He stated, that the annual saving, in point of interest, by the plan which he had adopted, was 120,000*l.* and that this sum, so saved, if laid out in compound interest, would, in 28 years, produce as large a sum as we should ultimately gain by the means of an annuity. The world in general considered the capital of the national debt in a false point of view; it was not in fact true, that our debt was more than the annuities which we annually paid. At the end of the last war, a plan had been adopted of buying up a part of the debt at the market price, which was certainly a very advantageous, as well as a fair plan for the public. That mode he trusted would again be resorted to; and when peace had given us the means of diminishing our debt, that we should take this precedent for our guide, and pay off what we could at the market price. A surmise had been propagated, that being at war with the United States, we would not hesitate to seize upon the money which they had vested in our funds. This was an idea which was at once shameful and libellous. Great Britain would never resort to such base means. On the contrary, she had followed a policy the reverse of that; for when we were forced to take up arms against our colonies, Maryland had a sum of money vested in our funds, and we had held it sacred. There, if in any instance, it would have been proper to have seized it, for it belonged to Maryland as a community, and not, as the Dutch money, which is the property of individuals; but it had been, and would always be, our policy to shew to all the world, that we kept the obliga-

tion which subsisted between the debtor and the creditor, with inviolable faith, and that we made no respect either in friend or enemy, subject or rebel, in point of strict and just performance of our engagements. With respect to the mode of paying off the national debt at the market price, we had the consolation of having a very advantageous resource in the sinking fund. He had shewn the committee that this fund had been gradually and regularly on the increase. When therefore it should happen that tranquillity was restored, he hoped and believed, that a very considerable provision might be made from the sinking fund for diminishing the debt. Retrenchments in the civil establishments and the annual expenditure, might be made, and a system of œconomy introduced, so that the whole expence of the year, after providing for the safety of the empire, might be brought within such strict and certain limits, as to leave a saving in the sinking fund, to be applied, with all its concomitant produce of interest, to the diminution of the capital of our debt. The sinking fund had considerably increased, and it would have considerable accessions by the falling in of various annuities, particularly those granted in the reign of king William. If therefore, by means of retrenchment, and other branches of œconomy, a saving of one million, or of a million and a half, could be made and applied to this purpose, we should, in the course of 14 or 20 years, stand in a very respectable state of credit. This use he thought might be made of the sinking fund, and he agreed with those who recommended that system as proper to be adopted; but he could not also agree with an hon. gentleman in thinking that it was by any means advantageous to apply the savings of the sinking fund to this purpose in a time of war, and be under the necessity of borrowing as many new millions as we paid off. This was very disadvantageous to the public, since we should be obliged to pay terms for borrowing one million to pay another. Our debt would not be diminished, and we should incur certain fixed, and disadvantageous expences. He hoped to see this plan in a time of peace and tranquillity thoroughly investigated, and the benefits of it applied to the public service. The sinking fund had not been affected during the war; and indeed there were reasons why the revenues of a country might not be affected by war, if they were not benefited.

The revenues might increase by the prevention of smuggling; they might increase by the quantity of stores, hemp, cordage, and other materials that were imported into the country; but those advantages were again met, and counterbalanced by the advantages of a peace, which restored to the country the number of its inhabitants employed abroad, whose presence considerably increased the consumption of commodities that were exciseable, and brought with it also the return of extended and general commerce.

He stated that the sum to be raised annually, was 660,000*l.* and for which sum he must provide taxes. He should not have the taxes ready to lay before the House for two or three days, but he should be careful to produce such as would be effective. Gentlemen would consider that in all new taxes there was difficulty, and there would in general be loss; but that was no argument against new taxes in general. All duties must have had their infancy, and it could only be by experience, that the errors of collection, or the chimeras of speculation, could be rectified. For this year, he should produce taxes, for which he would not be under any apprehension. He should be careful to avoid uncertainty, and happy if he should not go to any lengths that would depress commerce. He intended to go upon matters that had been already tried, and by augmentations which were low and reasonable, rather than by new taxes, avoid the deficiencies which had been but too common of late. After having entered into several other topics of argument, he concluded with moving, "That towards the supply granted to his Majesty, the sum of 12,000,000*l.* be raised by a loan, and 480,000*l.* by way of lottery."

Mr. Fox rose, and entered into a liberal investigation, first of the principle, and then of the terms of the loan, as stated by the noble lord in the blue ribbon; he considered both the one and the other as exceedingly reprehensible and disadvantageous. It was an easy, as well as a very common thing, for a minister, when he was stating the bargains which he had made for the public to that House, to tell them of several worse bargains which might have been made. This was rather a fallacious way of defending a cause, since the true mode of enquiring whether or not the bargain was a good one, was to examine whether it was not possible to make a better. The noble lord had chosen

this year to get the loan, by adding a large sum to the capital of our debt; and he had, for the first time, defended this mode of borrowing money as superior to that of annuities. This was the first time that the noble lord had been of this way of thinking; for last year he had borrowed the money by the plan of annuities, and had never once observed, upon that occasion, that he was borrowing at a dearer rate than it was in his power to procure the money otherwise. The hon. gentleman was of opinion, that no system of finance could be so eligible or so proper for this country, as that of borrowing upon annuities. The terms were not so much dearer in the first instance, as to counter-balance the advantages that would result in the end. The terms of the present loan, as stated by the noble lord, were much more unreasonable and extravagant, and infinitely more ineligible and impolitic than the terms which he would have been able to procure by means of annuities. The noble lord had stated, that the sum of our debt was not the nominal amount of our debt, but the actual sum which we had to pay annually for interest, and the sum which we must pay to buy up the debt at the market price; and arguing upon this ground, he had stated, that the sum to be added to our capital by the present loan, was nine million; and that we have nearly saved that sum in interest by the plan which we have adopted. The great objection which he had stated to annuities was, that they were not redeemable, and consequently parliament could not take advantage of national prosperity to buy them up at the market price. This objection lay equally against the funds in which the noble lord had taken the loan. Did he imagine he could buy in the 3 per cents, and the 4 per cents, without consulting the desires of the stockholders? Did he imagine that he could go to market, and buy in the debt at the current price? Undoubtedly not. The stockholder would do, upon that occasion, as he does upon this; he would chuse to be on the sure side, and would not sell his stock but at his own price. The noble lord could not buy it in at the low price which it held in the market; so that the advantage of paying off the debt in that manner, though undoubtedly it was an advantage, was very far from being so great, even in speculation, as that which the noble lord had given out.

The hon. gentleman, in a chain of arith-

metical reasoning, shewed what we might expect to be the price at which it would be in our power to buy in the debt, and by this means deduced the fair conclusions that it was much more for the interest of the country to borrow money by annuities than by adding to the capital of our debt; and if we must borrow on the latter plan, it was a much more beneficial bargain to borrow money at 4 per cent. than at 3, and at 5 per cent. than at 4. It was more in our favour in the result, because it was probable that it might be bought in at a cheaper rate. If we look at the state of the funds we should always perceive that the 3 per cents. stood higher in proportion than the 4, because from the probable profit being greater, they were more an object of estimation and pursuit. The 3 per cents now stood at 59; by the same rule of proportion the 4 per cents should stand at 79, whereas they were only 72 or 73. This was a very natural predilection in the public and in the stockholder; for in the prospect of the debt being paid off, and the several funds rising to par, and interest continuing during a peace at the same rate which it did now of 5 per cent. (which by the bye he hoped it would not,) then it might be in the power of the holders of the 3 per cents, who had bought in at this time, to make 40 per cent. and of the 4 per cent. holders to make only 20 per cent. while the 5 per cents could make nothing. This pointed out in a very strong light the great utility of borrowing money on a fund of 5 per cent. in preference to any other, since it would ultimately be in the power of the public to buy in the debt at a cheaper rate. He, therefore, very much disapproved of the principle of the present loan.

The noble lord had forsaken that ground on which he had gone last year, and which, though it had been exceedingly advantageous to the lender, had been also more so to the borrower, than the loan of the year which preceded it. He was given to understand, that the subscribers to that loan had gained no less than 8 per cent. and while they were well satisfied, the public had less reason to be dissatisfied than they had the year before. He was given to understand, that there was actually no less than 38 millions brought to market this year, and offered to the minister. This was the rumour. Was it not, then, unaccountable that the minister could not procure less than one-third of that sum, without giving such enormous in-

terest for it? Would it not have been in his power to have procured the money by a fund at 5 per cent. and a short annuity? This was the plan which he would have wished to have pursued in borrowing the money, in order to have made the terms advantageous to the public. The hon. gentleman went through the particulars of the scheme, which he wished to have seen adopted, and displayed a most extensive knowledge of finance. By this scheme he stated, that a considerable saving would have been made to the public, even admitting all that the noble lord had claimed, that the sum secured by interest, had been annually laid out in the manner proposed, and ultimately applied to the diminution of our debt. Even upon this ground he asserted, that in 28 years we should be gainers between 4 and 5 millions, and should run no danger of the sum being mismanaged in its growing state, or of meeting with hard creditors, when we wished to pay our debts.

The hon. gentleman adverted particularly to what the noble lord had said respecting the sinking fund. He very readily agreed with the noble lord, that great and important advantages were to be derived from the sinking fund, towards the diminution of the national debt. He agreed with him also, and said, though a very worthy and intelligent friend of his was of a contrary opinion, that we ought not in times of war to think of applying the sinking fund to the discharge of debts, and be obliged at the same time to borrow money for the service of the year. He considered this as a disadvantage to the public, since they had the *douceur* on the loan to pay without gaining any thing by the matter. So far he went with the noble lord on the sinking fund, but no farther. He wished to have heard the noble lord speak more fully on this subject. He had hinted, in a parenthesis, that the 190,000*l.* which was to fall into the sinking fund this year, was to supply the place of taxes. If so, he must tell the noble lord that he would sacrifice his integrity to popularity, and abuse the great public trust and confidence of his situation, merely to screen himself from the obnoxious duty of laying taxes. It was certainly an obnoxious and a painful task, but it was a tax to which ministers must submit. The sinking fund was the great *dernier resort* of the kingdom, the last parapet of the constitution, and ought to be held in obstinate sanctity. If the noble lord set an example to his

successors to apply to the sinking fund for permanent revenue, it would be the death-stroke of the kingdom. No minister would be able to connect enough of vigour with integrity to break through a custom of this nature once established, or to snatch the country from the ruin that must follow. The hon. gentleman took notice of the noble lord's assertion, that he meant to pay off two millions of the navy debt; he sincerely hoped that the navy debt would be discharged. The unfunded debt of this country bore by much the most extravagant interest of any, since the depreciation of the bills was itself a debt, and a duty upon the public. It was for this reason that he thought the true effects and burdens of the war would not be felt by the people, till the commencement of peace, when the unfunded debt came to be saddled upon them by taxes.

Independent of the strong objections he felt to the loan, as a question of finance, and a matter of economy, he felt it to be still more important when considered in a political view. The profit on the loan now proposed, in every way he had been able to take it, and subject to every probable contingency, was 900,000*l.*; and this large sum was in the hands of the minister, to be granted in *douceurs* to the members of that House as compensations for the expences of an election, or for any other purpose of corrupt influence which might suit his views. An hon. friend of his (Mr. Burke) had brought in a Bill to lessen the influence of the crown, by controlling the expenditure of the Civil List. The design was wise and proper, but like every other design of that description, it had failed by means of that very influence which it was calculated to prevent. But the objection on which he now wished to call the attention of the House, was of much greater magnitude: it was not the excesses in expenditure of the civil list, which amounted in the whole to 900,000*l.* including the support of his Majesty, and many great important and national services; but it was an entire sum of 900,000*l.* and upwards, to be given away in the *douceurs* of a loan, not merely from the effect of an idle and wanton extravagance, but from much worse causes; it was given as a means of procuring and continuing a majority in the House of Commons upon every question; and to give strength and support to a bad administration. The noble lord had attempted to flatter the House that, upon a number of supposed

contingencies, many events highly favourable, and a train of economy so extremely rigid, pure, and incorrupt, that in stating it his lordship did not appear to flatter himself it could ever be practised; but if practised, and if every thing was to happen just as we could hope and wish, why then, at the end of fourteen or fifteen years, thirty millions would be paid off; that is, we should then be twenty millions more in debt than when we began the fatal American war; and that state we are now to look for with an anxiety almost beyond the reach of hope, which would have been considered as ruinous at the time the noble lord began his administration. The terms of the loan, such as they were, the noble lord had informed the House, would have been much worse, had it not been for some good news, and good news indeed it appeared to be, if it really afforded any prospect of a peace. It was singular, however, if the bargain for a loan was to be influenced by such a prospect, that it was not more influenced by it; and that terms so extremely disadvantageous should be offered to the House, when the prospect of peace was avowed. Upon that prospect he wished to speak out; he wished to declare, that he felt himself ready to support almost any terms that could be offered; whilst the affairs of the nation were in the present hands, he thought no peace could be a bad one; that is, a general peace; for any partial or patched up peace which would leave us involved in all the necessities of a war established, he thought would rather be injurious than useful, and might only tend to draw us on farther in a ruinous system, and plunge us deeper into difficulties and disgrace.

He now took a general review of his objections to the terms of the loan, urging, as the result of the whole, that the lottery was an unnecessary part of the *douceur*, and ought to be omitted from every principle of policy, and of regard for the morals of the people. It had been said, by a learned gentleman, speaking on the subject of riots a few evenings ago, that if any thing could excuse an illegal and violent mode of redressing grievances, it would be the pulling down gaming houses. This he considered as the most pernicious and destructive of all species of gaming; as immediately affecting the morals, habits, and circumstances of the lower orders of the people; and which, upon every principle of policy, should be carefully avoided.

He trusted he had clearly convinced the House, that the benefits to the subscribers of the present loan were sufficiently great without the lottery; and he hoped they would render the greatest service in their power to the public, by preventing its inevitable ill consequences. He therefore moved, as an amendment to the minister's motion for agreeing to the terms of the loan, that the latter clause, respecting the lottery, should be omitted.

Mr. *Eyre* thought the opposition made to the terms of the loan extremely ill-founded. The humanity of the noble lord deserved the attention of the House, in preferring an addition to the nominal debt, to an addition to the rate of interest. Many suffered very severely from the difficulty of raising money; many large sums continued on mortgage, which had been borrowed at 4 per cent. If the rate of interest was raised in the manner proposed by those who had objected to the terms of the loan, it would be the immediate ruin of many families, and destroy some of the first estates in the kingdom, as mortgages would be called in as soon as notices could be given, and the money eagerly brought to the public funds. The great evils that would be brought upon trade, by a sudden rise on the interest of money, were also greatly obviated by the increase of the capital of the debt, rather than that of the rate of interest.

Mr. *Hussey* insisted that better terms might have been made; and stated several calculations to prove his assertion. He held, however, that to expend the produce of the sinking fund in buying in debts, would be the best way of employing it, even in time of war. He stated the necessity of making the most of our resources, as the situation to which we had been reduced by the American war, was truly melancholy. The resources from trade must not be given up by ministers; for if we should not be able to have a trade that should enable us to pay the interest of our enormous debt, and keep up our naval establishments, our greatness would be no more. A lottery he condemned; it was an infamous encouragement to gambling; and as the subscribers to the loan had made a bargain sufficiently advantageous without it, he would second his hon. friend in his motion for rejecting the lottery: and as it was said, that half of the loan was subscribed for by members of that House; and that consequently 450,000*l.* benefit would be divided among

them, which some might think given for the purpose of paying the expences of their elections, it would be becoming them to exhibit an act of self-denial for the sake of the public, in putting a negative on that part of the resolution that related to the lottery.

Sir *Grey Cooper* defended the terms of the loan. Gentlemen must consider, that in borrowing money in such times as the present, there was nothing left but a choice of difficulties; it was easy to point out better terms, but not such as the money-lenders would close with.

Mr. *Pulteney* thought the terms of the loan extremely bad, and the *douceur* extravagantly high. It amounted to upwards of 9 per cent: it must have a very bad effect on the price of the funds, and encourage very extravagant expectations on future loans.

Lord *Mahon* thought lotteries extremely bad; but if we were to have them, ministers ought to endeavour to secure greater advantages, which were now divided amongst the keepers of lottery-offices. He hinted at the outlines of a plan by which the profits to the public on lotteries might be increased to a considerable sum.

Mr. *Byng* pressed the minister to omit the lottery, as a part of the *douceur*; their consequences were terrible, and their advantages comparatively trifling. He had conversed with many gentlemen of great monied interest and connections; and he thought himself entitled to say, that in the course of two or three days the whole of the money wanted would be undertaken at the terms proposed, without the lottery. If such a proposal was not accepted, it would confirm all that had been said, from a suspicion that the *douceurs* were not intended for the lenders of money, but for the members of that House, who lent only their names, and were to sell their subscriptions for a premium, sufficient at least to discharge the recent expences of their elections.

Lord *North* said, that the settling the terms of the loan was undoubtedly the principal business of the day; it was his duty to state the lowest proposals which he had been able to obtain, and the House were to judge whether they would accede to those terms. Every gentleman would and ought to make any objection, which he thought lay against the proposals; but unless those objections were very material, he left gentlemen to consider what would be the ill consequences

of refusing to accede to the propositions agreed on. The attention paid by monied men to the Treasury would be lessened; and if it were usual for the House to settle and alter the terms, they must make the bargain. This argument certainly could not go to any thing materially or palpably wrong. In that case the House ought to interfere; but with respect to the lottery, it was a favourite part of every *douceur* with money-lenders; it was an advantage to them, without being any expence to government; on the contrary, 480,000*l.* was paid in, and remained for the greater part of a year, without interest. With respect to the opinion which had been thrown out, that the loan was a source of influence, and that half of the loan was taken in the House of Commons, they were ideas extremely strained. The loan was a public loan, very indiscriminately taken; and, as a matter of conjecture (for it could be no more on either side) without much examination, he should suppose that a very small part of the proposed sum was taken by members of that House.

The committee divided on the Amendment: Yeas 111; Noes 169. The original motion then passed.

March 8. Mr. Ord brought up the report of the Committee of Ways and Means.

Sir *P. J. Clerke* complained of the excessive high terms which had been granted to the subscribers to the loan, declaring that the bargain was so much against the public, that it was the common subject of conversation and surprise, without doors: the omnium was that day done so high as from 9 to 11 per cent. in the alley. This was a sufficient proof, that the advantage to the subscribers was infinitely larger than it ought to have been, for which reason he should move that the report be re-committed, in order that the House might amend the terms, and check so extravagant a prostitution of the public money. He complained also of the great partiality of the loan, and said, it was not fairly distributed amongst the honest and wealthy, but given to the minister's private friends by way of *douceur* for past services. In particular, he was well informed that Mr. Atkinson the contractor, and partner with Mr. Mure, had no less than 3,300,000*l.* to his own share. This was scandalous, and ought to be taken notice of; but it was a little remarkable that it should fall to his share to

mention it on the very day, when the Contractors' Bill was to be read a second time. No circumstance could possibly tend more to convince the House of the propriety of that Bill than this; since it served to shew the degree of opulence in which those gentlemen stood by their contracts.

Lord North replied that the very idea of Mr. Atkinson's having 3,300,000*l.* to his own share was incredible; every responsible person had his proportionate share; great bankers, the House well knew, applied for many other persons, as well as on their own account, but no person would have such a proportion as the hon. gentleman had mentioned. With regard to the price of scrip being 10 and 11½ per cent. that morning, his information was, that it got up to 9, and fell again, and left off at 7½. But it was of no consequence what was done that day, as no lawful bargain could be made, for nobody had any part of the loan, till that House ratified the bargain. The time to ascertain the value of the scrip, was after the vote had passed the House, and the list of subscribers been sent to the Bank, for the list could not be sent till the vote had passed, and when the first deposit was made. Then the price it bore would be the test; and if the premium should amount to 7 per cent. it would be more than he expected or meant to give.

Sir George Savile reprobated the terms of the loan as extravagant to the highest degree; and condemned the conduct of the minister for coming with his loan first, and his taxes afterwards; he was not content with the minister's bare word that the taxes would be efficient.

Sir Grey Cooper said, he had heard nothing that day of sufficient weight to make it necessary to alter the terms of the loan. The preceding day he had gone as fully as he was able into the terms of the loan; objections had been very fairly stated against it, and he was of opinion they had been as fairly answered.

Mr. Byng repeated his argument of yesterday, and made a violent attack on the minister. One half of the loan had been given to members of that House, which at 9 per cent. was bestowing 600,000*l.* of the public money on members of parliament. He declared, that in 24 hours he would produce a full subscription for the whole loan upon much better terms for the public.

Mr. Burke said he was sensible that the

power and credit of government depended chiefly on the votes of supply, and he had uniformly been cautious how he resolved to give his assent to any of the resolutions of the committees of ways and means. But on the present occasion he must refuse it. He meant not to give a negative to the whole of the resolutions, but only to that respecting the *douceur* of a lottery ticket, which was a robbery of the public; ruinous to the people, and by no means necessary to the present loan, which could be obtained without it. His hon. friend over the way had accused another hon. friend who had opposed the loan yesterday of proceeding upon premises which he had not proved. Surely, when it was shewn by that gentleman that the terms were exorbitant, he had proved every thing necessary, and it was not his business afterwards to ascertain that better terms might have been procured, but that of the ministers to shew the contrary. He was afraid that nothing would tend more to injure public credit, than to shew to the world, that it was not parliament but the minister who regulated the finances of this country. It was the idea that parliament having the state of the national finances laid before them, so that every man might see the state of the public debts, that supported so greatly the credit of the nation; and he was sorry to find, that while the enemy was beginning to adopt our mode, the ministers of Great Britain were convincing the world, that parliament had nothing to do with our taxes and loans, but to give their sanction, however contrary to their judgment, to the bargains of the minister, however extravagantly injurious to the public. The credit of parliament would sink, and consequently so must that of the nation. From all that had been said, he was convinced, not only that the terms were bad, but that the noble lord in the blue ribbon might easily have got better. It was a little remarkable, that the objections stated by his hon. friend, who spoke in reply to the noble lord the preceding day (Mr. Fox) were uncommonly strong, and put with the usual ability of his hon. friend; but not one of them had been answered; he took it for granted, therefore, that no answer could be given. It remained, then, for that House to interpose and prevent the ratification of a bargain which was so obviously disadvantageous, that those who made it were themselves ashamed of it, and did not

even pretend to argue in its favour. With regard to the lottery, it was evidently so much money thrown away, because it had been undeniably proved that the premium was sufficiently large, without the profit on the tickets. That lord North had made a bad bargain for the public, Mr. Burke demonstrated from various considerations, and particularly from this: that in the bargain with the money-lenders, allowance was made for the possibility or the chance of the fall of the stocks, but not for that of their rise. The noble lord himself had confessed that the bargain he had made was a disadvantageous one for the public; and yet no ministers in time of war ever negotiated a loan in better circumstances. In the first place, it was agreed to take the lowest computation, that there were subscriptions for 24 or 25 millions, double the sum wanted, and surely this was a most decisive advantage in favour of the borrower. By this means the noble lord might have counteracted the selfish views of the men he treated with, by resorting to more reasonable men, if dissatisfied with the first that offered; or supposing the parties to be the same, still it was obvious, that men who had 24 millions of money to employ, would be more likely to take a reasonable interest than those who had only the sum wanted; for it was not to be supposed they would let so large a sum lie in the banker's hands, when they might get a premium of 5*l.* 10*s.* which the noble lord himself admitted to be a sufficient bonus.

In the second place, a minister in time of war surely could never negotiate a loan with so much success, as when a peace was expected, and that was the situation in which the present minister stood, when he settled the bargain now before the House. Added to both these considerations, there was that of the commission of accounts alluded to by the noble lord yesterday, from which it appeared that immense sums were to be immediately brought into the public coffers; so that there was an immediate resort in case the loan had miscarried. With three such advantages as these, if a good bargain was not made, no possible circumstances, that he could conceive, could ever redound to the public benefit.—‘*Ne salus ipsa huic salutis esse potest:*’ That God and man could not save his expences.

The hon. gentleman adverted, with inimitable pleasantry, to what had fallen from lord North in the debate last night,

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concerning the poverty of the House of Commons. Says the noble lord, this House cannot have such a proportion of the loan as is pretended; for this is a poor House. This the noble lord had advanced, not without wit and humour, of which Mr. Burke allowed him to be a great master. It was a very heavy charge against the hon. gentlemen; for poverty at present was the greatest dishonour, and wealth the only thing to make a man well received in all companies. But Mr. Burke recalled to the noble lord's recollection, a contrary position of his, namely that the House of Commons was a most respectable assembly; respectable, he meant, for their independent fortunes and riches. What! was such an assembly to be corrupted? This was the strain of the noble lord's eloquence on some occasions; but on others he found it convenient to argue their incorruptibility from their poverty, as he did at present. They have nothing to give away, therefore they cannot be corrupted; and thus, by the double operation of poverty and wealth, the English House of Commons is not only the most uncorrupt, but the most incorruptible assembly that ever was in the world. The rich are so full of pure water, that there is not room for a drop of foul; and the poor are like a sieve, which can hold nothing, but every thing liquid passes through it. Hence an incorruptibility might be inferred on both sides of the House from the most opposite causes; incorruptibility from poverty; incorruptibility from opulence! He wished, that instead of members coming in poor to the House, and going out rich, they might come in rich and go out poor. He was persuaded the noble lord thought erroneously of the House, for it was not justly chargeable with poverty; in his opinion too little so by a great deal. He would be happy that a seat in parliament afforded no opportunity of growing rich, and that they came there rather to live with frugality upon their own fortunes than to acquire new ones. He was sorry that opulence was to be acquired by getting into parliament—but so it was, that members were like the *tenuis vulpecula*, or the weazel, which being slender, crept into the cupboard; but eat so much there, that it could not get out: so with members of parliament, they got in sleek and slender, and afterwards being gorged with places, pensions and douceurs, got such an enormous belly, that they were scarcely able to get out again. To adopt another

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comparison, members came there as into a hencoop, where they fed heartily at the expence of freedom. He wished that the House of Commons were a kind of ergastulum, to work off those fat, large bellies, that were contracted by the douceurs therein acquired. He spoke metaphorically; he meant, that he wished members might spend, instead of acquiring fortunes in the public service. His stroking his own belly, and his situation opposite to lord North, "with fair round belly with good capon lined," raised a very hearty laugh, in which lord North himself joined.

Having reasoned against the bargain in question, he was sorry to find by a comparison with the conduct of M. Neckar, how bad an œconomist the noble lord was for the public. His lordship had added by the late loan, 21 million to the capital debt of the nation. M. Neckar had added only 5 million by his late loan, to the debt of France. The English financier was obliged to raise new taxes to pay the interest of this immense sum; the financier of France did no such thing; he was enabled by savings to pay the interest of his loan, without any taxes. The noble lord loaded his country with the interest in perpetuity. M. Neckar paid only for a term of years, determinable on lives: the English interest lasted for ever; and that of France must daily decrease: not a year could pass over, that many creditors of the French crown would not die, and bequeath as many legacies to their country as she saved by the stop that their deaths put to the payment of their annuities. The French financier borrowed at ten per cent. on one life. If the interest and douceurs which the English minister had agreed to pay, were reduced to annuities, it would be equal to 14 per cent. on one life. M. Neckar, he said further, had ten millions of francs in reserve for the next year, and other resources. How much then was our situation reversed? The noble lord could no longer boast of the superior state of our finances, as he had formerly used to do. He was ready to agree that the French minister had not the same difficulties to encounter, that the noble lord had; but then it must be considered, that the noble lord was not a minister of yesterday, he was not blameless of having assisted in bringing his country into those very difficulties under which it now laboured, and therefore the complaint that there were great difficulties in the way of his making a loan, came with a

very ill grace from the noble lord or any of his supporters. Happy France in her minister! unhappy England in her financier! The difference arose from the corruption of parliament. If a poor member of parliament should receive an offer from a subscriber: "agree with the minister in such and such terms for the loan; and you shall have four per cent. on all that I subscribe for;" this would be a temptation that nothing but incorruptibility could resist; and yet, according to the terms of the new loan, a subscriber might make this bargain with a member, and still have above six per cent. for his money. Such offers made to many members might tempt them to agree to terms which otherwise they would have rejected with indignation; and thus it was that such inordinate bargains were made by ministers, because they were sure, that by applying to the interest of the members, they could get a majority in the House to sacrifice the interest of their country.

He was for recommitting the resolutions, in order to reconsider the bargain on principles of œconomy; but chiefly on a principle of public credit. The publicity of all our national transactions was the principal ground of our national credit. When no bargain could be made clandestinely, but when all was open, and subject to the revision and correction of the public (interested most certainly to make the best bargain for itself that was possible) there arose a confidence in our public faith and credit, which must be shook, if an idea should go abroad, that, however the forms of parliament might be observed, the minister of this country was in fact absolute. It was the bad bargainer alone that could be profuse, when profusion was necessary. Profusion he considered as a symptom of despair; for could it be supposed, where that took place, that money could be borrowed on reasonable terms? When a bottle was first turned over, being full, it ran out at first by gutts, and but slowly; but when it was nearly exhausted it flowed rapidly and with a current. The ministry, on that principle of a regard to public credit, ought to study œconomy, and to shew œconomy to all the world; that the world might judge thereby of our strength, and form conclusions in our favour; that sir Joseph Yorke might have it in his power to say at the court of Vienna, "My countrymen are desirous of peace, but both willing and able, if it be necessary, to carry on war." That the

nations seeing this, may be inclined to grant us peace on safe and honourable terms; or at the worst, that there may be a principle in this state of resuscitation, that the *luz*, as the Hebrews speak, may be safe and sound, which if it is, there is no doubt of the body being revived. [The *luz* is a bone in the body, which being sound, as the Jews believe, the body will rise again.]

After these and various other arguments against the terms of the loan, he said he was willing to believe the noble lord might have been constrained by necessity to receive them; but how did this obligation arise? From the imbecility of the administration, which emboldened the subscribers to threaten to withdraw their support, if every demand was not acceded to. On such a supposition he sympathized heartily with the noble lord, but still more with the people, who must pay for the weakness of their ministers. This much he thought it necessary to say, in order to justify his vote the night before; the first vote he had ever given against a budget. But he thought it his duty to give his negative last night, because he believed that the minister would not have presumed to call upon parliament to sanctify so infamous a bargain, if he had not thought that parliament was arrived at that pitch of corruption, that they would accede to any terms, however scandalously injurious to the public: he wished to convince the minister, that at least with respect to him, he was mistaken.

The first resolution being read a second time, Mr. Hussey moved to leave out so much as related to the raising money by a lottery. After a short conversation, the motion was rejected upon a division by 133 to 80.

Debate on Mr. Byng's Motion for a List of the Subscribers to the Loan.]

March 12. Mr. Byng said, that the loan of the present year was so extravagant in its terms, and had been managed by the minister in a way so suspicious and alarming, that it merited the most serious investigation of that House. The extravagantly disadvantageous terms, which the noble lord had made, were notorious; not less notorious were the discontents of the people without doors with the parliament, for having agreed to the report of the committee, by which 9 per cent. was already gained by those who had chosen to

sell out their part of the omnium. The minister's conduct, with regard to the agreement, was bad, but the distribution of the loan was much worse. The loan had not been given with fairness and impartiality to the opulent, natural, and constant money-lenders; but on the contrary, there had been the most profligate partiality in the garbling of the list; the friends of the minister had been favoured with subscriptions to an immense amount; while gentlemen of the most respectable character, who had been subscribers to former loans, and to loans also in which they had been sufferers, had been totally excluded, or had received in no proportion to their applications. But what was a more lamentable evil, this partiality was not guided merely by the bias of friendship, but had its warp, as it tended to gain an influence over the members of that House. Those bankers who had applied, and formerly advanced large sums, were either cut off with very small portions, or totally neglected. The minister's favourites experienced a conduct totally the reverse. Mr. Atkinson was reported to have 600,000*l.* on the list that was sent to the Bank. And he was rightly informed, there was 230,000*l.* standing in the name of one house; one 30,000*l.* of which fell to the lot of the house, while the 200,000*l.* was secured for the members of both Houses. This was a species of traffic that had been practised in former years. It was remarkable that the very list sent to the Bank was a fiction, containing unreal names; it appeared a fair open list, while the transaction was unfair and dark. There were members of parliament who had parts of the loan, but whose names did not appear. If the motions he intended to make were agreed to, he pledged himself to prove this at the bar of the House: and that the most glaring partiality had been shewn all through the business. The list was not sent, sealed up, to the Bank, before the loan was proposed in parliament, as it formerly used to be, there to be opened the day after the report of the committee of ways and means had been agreed to by that House. No: the list was detained at the Treasury. It had not been once garbled and once corrected only, but it had undergone many garblings, and many corrections; and even after the loan was known to be so high a premium in the Alley, it was garbled and corrected anew, till reduced to the pre-

cious state in which it now appeared, and which had occasioned such loud discontents. After it had been proved that the terms were so advantageous, it had been revised by the treasury; and the friends of the minister, members of that House, the men who gave him his majorities, had been most shamefully preferred, while those whose sufferings or service gave claim were neglected. When was the list sent to the Bank? Not before the noble lord had proposed the loan to parliament! Not immediately after parliament had agreed to it! Not till Saturday morning! Was that part of the transaction fair? Was it just to the money-lenders without doors? Was it such as that House ought to look on with indifference? Ought they not, on the contrary, to take the whole of the matter into their consideration, to probe it to the bottom, to see who was to blame, and to take care that so much of the public money should not, on any future loan, lie at the disposal of the minister, just as he pleased to distribute it? With regard to the proportion of the sums allotted to the subscribers, they were extremely capricious and irregular. Some men who wrote for 50,000*l.* had got the whole, and some who had wrote for 100,000*l.* had been set down for 5,000*l.*: to some a fourth part of what they wrote for had been granted; to others a seventh, to others a tenth, and to others not a twentieth. To prove these facts, he should move "That there be laid before this House, a list of the persons who subscribed to the loan of 12,000,000*l.* made in this session of parliament, specifying the sums subscribed for by each person." But this he considered as insufficient for the purpose of coming at the bottom of the management and manœuvres which had been practised in the present subscription: he therefore meant to follow this with other two motions, and his next would be, "That there be laid before this House, a list of the persons who offered to subscribe to the said loan, and of those whose offers were rejected, together with an account of the sums offered by each person." His view was to convict lord North of having made a worse bargain for the public than he might have made; and also of the greatest injustice to the individuals who had offered to become subscribers to the new loan. His third motion, therefore, would be for "Copies of all letters and lists received by any of the commissioners, or either of

the secretaries, of his Majesty's treasury, from persons applying to become subscribers to the said loan, with the answers sent thereto." By the aid of these papers the House would be able to see whose offers had been rejected, and whose had not, where the proportion granted was much less than the sum wrote for, and where there was an unequal proportion granted: in fact, they would have before them either the complete conviction of the noble lord, or his complete acquittal; and they would be able to decide how far the charges of partiality which were in circulation, were founded or not. He then made his first motion.

Sir *E. Astley* considering that the House lay under so dishonourable a suspicion as that which had been just now mentioned, thought they were bound in honour to sift the matter to the bottom, thereby to wipe off the foul stain that had been thrown upon them.

Lord *North* professed that he had no objection whatever to the production of the list agreeable to the first proposition; but he did not mean to go any farther, and consequently would oppose the other two motions: and he did so because they were useless: for if the hon. member supposed that there were subscribers, whose names were not to be found in the list called for in the first motion, how could the second motion furnish him with them? As to the third, it was a very strange motion: the hon. gentleman charged the Chancellor of the Exchequer with partiality; and having no one proof to support his charge, he called upon that minister to unlock his *escrutoire*, and give him up all his private letters, to see if he could discover any vestige of that partiality, with which he accused the minister with so much confidence. He defied that hon. gentleman, or any other person, to prove that he had been guilty of the smallest partiality, or that the whole of the transaction had not, so far as it referred to him, been done fairly, and without any bias or prejudice whatsoever. The hon. gentleman must know he could not make out the list himself: all he could do was to give general directions in what manner the business should be done; he had given those directions, and those who received them would do him the justice to say, that he had expressly directed that no such partiality should be shewn. He was convinced, when they saw the list that had been moved for, they would see there was

no partiality shewn. No person was permitted to subscribe after the bargain was made, to his knowledge; and the reason why the list was not sent to the Bank till Saturday last, was owing to the very great extent of it. The hon. gentleman had said a great deal about the disproportion of the list: the hon. gentleman must know, that the subscription was not, and ought not to be settled by reductions *pro rata*; for by allowing such a system, much inconveniency might take place; for if, upon every application, the same rule was observed, and a certain portion was to be given to each, government would run great risk, and when the deposit days came the payments would fall short. Another objection to applying any particular given sum to the business was this; if a man knew he would have a fourth part of what he wrote for, or half of what he wrote for, in that case every application would be either for four times, or for twice as much as the person applying really wanted. As the matter stood now, it was well known that almost every person who applied for part of the loan, wrote for a great deal more than they expected, or were allowed, and therefore no certain mode of reasoning, or of objection, could be built on the single fact, that the sums allowed fell greatly short of the sums applied for. But the hon. gentleman had complained of members of parliament being subscribers; really he knew of no law that made it a crime in members to subscribe. There were in that House several men of great substance, who at all times applied, and had always had their proportion according to the amount of the applications offered, but it did not follow that they always gained by it. Certainly they did not, for three or four years ago they suffered greatly; and with regard to there being any members of that House who had sums in the loan under concealed names, he knew of none such. As to Mr. Atkinson, he was satisfied that he had no such sum as had been mentioned by the hon. gentleman; and though whatever had been given to him was for the whole house of Muir, Son, and Atkinson, yet he was convinced, though he had not looked into the list, that the whole firm had no such sum as 600,000*l.* It was said that Mr. Atkinson had 200,000*l.* in the hands of other people. He did not believe a word of it; because, in consequence of one hon. gentleman's having in the course of last week asserted, that Mr. Atkinson had so mon-

strous a portion of the loan as 3,300,000*l.*, he had ordered a strict enquiry to be made into what Mr. Atkinson had, and had expressly directed, that it should be searched into, whether Mr. Atkinson had any part of the loan under any other name than his own. He had even put that question to Mr. Atkinson, from whom he had received the most solemn declaration, that he had no share whatever in the loan, but what stood in his own name and that of his house. Indeed if he had, it must be a deception; for it must be in direct opposition to the most positive orders which he had given, that no stock should be held by any man but in his own name; and that no partiality whatever should be shewn to any one. If, notwithstanding these orders, any partiality had been shewn, the person aggrieved would complain, and then the business would come fairly before the House; and as any thing contrary to those orders, must be a deception upon him, so he would be as ready as any man to express his censure of the transaction.

As to what had been said again of the omnium bearing so high a premium as 9 per cent. he could only say that he thought that a small part of it coming to market thus early, and bearing that price, though it was something surprizing, did not go to the establishment of the position contended for by the hon. gentleman, and by those who had spoken on the subject last week, viz. that the whole loan bore a premium of 9 per cent. and that 900,000*l.* of the public money was thrown away. Gentlemen must know, that if any large proportion of the omnium were brought into the market, the premium would fall greatly, nay the omnium would be done below par, perhaps at three or four per cent. discount. If however after the deposit was paid, and the matter was settled, the present high premium of 9 per cent. should continue upon it, he was ready to own that he should be extremely sorry, and that he had given much greater advantages than he ought to have given, or than he intended to give. He should, in that case, consider the advance of premium as a bad effect arising from a good cause.—The fact was, he had done his best, and of all the offers that had been made, he had accepted that which was least disadvantageous to the public. He again felt it necessary to advert to the reason of the lists not having been sent to the Bank before the loan was proposed to parliament: it never had, on any occasion, been sent till

after the House had agreed to the report of the committee. As soon as that was over, the list was examined and sent; but gentlemen forgot that in a subscription of such a size as the present, it was not a matter of little time to prepare the list; it took up many, many hours; it was not the work of a day, but of all day and all night, and all day again. With regard to its having been garbled, he denied the accusation; that it had been corrected was surely no crime, but that any alteration had been introduced since the loan had been made known to parliament, was, he was pretty well assured, not founded. The orders he gave, were to receive no letters nor applications for scrip that were not brought before one o'clock on Monday last, at which hour the gentlemen met to settle the terms. The rule of that meeting was to convene the monied men, who had made applications and offers, and to convene the heads of all the great public companies, who usually assisted government with money, but who never made any application previous to that meeting; by these gentlemen so collected, the terms were settled, and it was always usual to expect that the gentlemen who were present were to take a pretty considerable share of the loan among them. As to the idea of forcing open his *escrutoire* and taking out all private letters and papers, that had any reference to the loan, he flattered himself the House would not think such a measure necessary. If that was to be the case, the House had better take the whole of the business upon themselves in future, and instead of the letters, from persons desirous of becoming subscribers, being directed to the first lord of the Treasury, they should be directed to the clerk of the House, and read at the table. The hon. gentleman had accused him of partiality; it was, he believed, rather extraordinary for one person to charge another with partiality, and then to say, "Give me the key of your bureau and your *escrutoire*, let me empty all your drawers, look over all your papers, and read every letter I can find, and then I'll tell you whether I can prove my charge or not." Certainly such a mode of application would never be countenanced by that House; and indeed it was altogether unnecessary, because the motion already before the House would shew who were the persons that had scrip, and if any one thought himself aggrieved, as he had already suggested, undoubtedly he would

not be silent upon it, and gentlemen would have an opportunity of bringing the matter forward.

Sir *George Savile* wished that one side would not hint at facts before they were established in proof, nor the other be so ready to declare that this was so, and that was otherwise. Such conduct was in neither case parliamentary, but he said, that he, from the most compulsive internal evidence, supported the motion; for it was not likely that the desired information could be obtained by any other means: those persons indeed might complain who had not got enough: but there was another set of men who would not complain, but of whom the House would complain, namely, those who got too much; it was necessary therefore to pass this motion, in order to discover where the partiality lay; this could be but by the list called for in the second motion; and if the noble lord should refuse to grant it, it might fairly be said, that he defied his accusers, only because he knew, that as he withheld, so they could not otherwise come at the only evidence which could convict him. As to the private letters in the noble lord's *escrutoire*, they were written to a minister of state, on the subject of the loan, and consequently ought to have been called public letters by the noble lord. And as he would pay no regard, on the one hand, to suspicions of guilt, or on the other, to assertions of innocence; he desired to have the proofs, and then institute the enquiry.

Mr. *Robinson* repeated what lord North had said, with regard to the directions given, that the list should be made out fairly and impartially; and declared, that his duty in that House would not suffer him to see the whole of the business done, but that as far as it had come under his inspection, he could answer for it, that the noble lord's directions had been punctually complied with. He also insisted, that no such sum as 600,000*l.* had been given to Mr. Atkinson; and he could assure the House, that Mr. A. had solemnly declared to him, that he held not a shilling of the new stock under any borrowed name.

Mr. *Byng* declared, that it was only by the production of the lists and the papers which he called for, that the House could come at the knowledge of the facts. The noble lord had said that it would be improper to open his bureau, and examine his letters. The noble lord's bureau, in this instance, was the bureau of the public,

liable to the inspection of that House; and as an accomptant, he received no letter in a private capacity. In regard to Mr. Atkinson, there were some circumstances in his knowledge of a very suspicious nature. It was pretty certain that he was in a room at the Treasury by himself, with the list, while many respectable and responsible men had it not in their power to converse with the noble lord on the subject. He firmly believed that Mr. Atkinson was the man who had the whole and sole power of garbling that list; that there had been the utmost injustice and partiality in the business; that his constituents, the merchants, and the great respectable houses in London, had been treated with injustice. Men who had written for 100,000*l.* had only got 5,000*l.* while others had got all for which they applied. Mr. Boldero wrote for 100,000*l.* and got only 6,000*l.* How was he to prove his charge, if he was denied the means of getting at evidence? He was assured, that members of parliament had a part of the loan under other persons names, and he had been well informed, that a particular gentleman saw in the list his name down for 10,000*l.* when two members of parliament went and claimed it, declaring it was put down for them.

Mr. Robinson said, that what had been urged respecting Mr. Boldero was erroneous. It was true, that Mr. Boldero had imagined that only 6,000*l.* were put down to him, but he had sent him a note that morning, stating that it turned out to be the error of a clerk in the Bank, in the omission of a figure, for that on examination of the list he had found that he had 60,000*l.* As to Mr. Atkinson, he had been consulted about names in the city, of which they were ignorant, lottery-office keepers, taylor, and others, who had applied for scrip; but with regard to what the hon. gentleman had asserted, as to Mr. Atkinson having the list in a room by himself, the fact had never happened, he had neither settled the list, nor had he the list to interfere with at all.

The first motion was agreed to. Mr. Byng then made his second motion.

Sir Richard Sutton said, that the object of the motions could not be attained by them; for if the House should be desirous to know whether stock was held by gentlemen in the names of others, they never could discover this, as they had not the power to examine upon oath; and if to the charge of partiality the noble lord

should plead that he had rejected the offers of some gentlemen, because perhaps he had thought they were not sufficiently responsible, and admitted others whom he thought more responsible, how was he criminal? For it could not be said that the minister did wrong in exercising a discretion in judging who were responsible men, and who were not; consequently, after the list moved for should be produced, if the motion meant any thing, it meant to prove that the men whom the noble lord had rejected were as responsible, or more responsible, than those whose offers he had accepted. Hence there would arise a necessity of a new act of parliament to enable a committee of the House to institute an enquiry into men's fortunes or circumstances, and to examine witnesses upon oath, and hence the time of the House would be taken up with debates upon the responsibility of men; a business not very properly calculated for discussion within those walls.

Mr. Byng replied, that to sift out the private fortunes of individuals, or to take a comparative view of the responsibility of different men, was not at all his object.

Mr. Fox was astonished to find the noble lord opposing motions, to negative which would be more consistent in those who wished the degradation of that House in the eyes of its constituents; for by such a vote, it would be conspicuous, if the public money was voted for a partial purpose, and the only means of refuting the opprobrious imputation, if groundless, derived. The argument adduced by the hon. gentleman was too insignificant to merit an answer; yet he could not help observing upon it, if the House could not, by oath, find out the responsibility of subscribers, no more could the noble lord, when he settled the distribution of his loan: but no such examination was intended; the idea was absurd, and it was plain enough might appear upon the very face of the paper, admitting the truth of what his hon. friend had suggested, that many very responsible gentlemen had offered large subscriptions, and had not been permitted to subscribe at all. The noble lord had asserted his own innocence, as to the matters alleged; but he must beg leave to protest against such evidence. Not in any private or uncivil sense, but in a public, he did not scruple to profess, that here he gave not the least credit to the noble lord's assertion; for he never could believe a man who said, "I am in-

nocent," yet withholds every means of information, by which his innocence might be proved: such conduct was always a strong presumption of guilt, nor could the noble lord's objection to produce the letters answer his purpose; for those he well knew were not private, they were public addresses, and should be open for the inspection of parliament. He was, however, not unwilling to believe his lordship when he professed his own personal good intention; perhaps he might be ignorant of the partialities that were practised; yet those did nevertheless exist, as he had every reason for believing, particularly in one instance, mentioned in a letter just put into his hands; the writer of which he would not now name; having no express permission to do so, but he should have that liberty he doubted not to-morrow or next day; mean-time he could assure the House he was a person of importance and responsibility. He here read a letter, in which the writer complained of having applied so early as last November to have a part of the loan, for which he had laid by 50,000*l.* and had not had a single shilling of the subscription allotted to him. This gentleman had long been a subscriber, and had been one of those that suffered by the subscription falling in its price so considerably as it did, four years ago. He was now also in the truest sense of the word, a sufferer, because having really prepared the money to answer the event, he had lost the interest of it. In the letter the writer supposed the noble lord had omitted his name, in order to give a preference to some person more convenient to him in parliament. This, he said, evinced that men out of doors thought that the noble lord used the opportunity of distributing a loan to the favourite purpose of extending the influence of the crown. The noble lord had declared, that more than 5½ per cent. would be too much for the money-lenders, and yet the premium on scrip was this day 9½ per cent. The House knew well how to value a declaration of impartiality, accompanied with a refusal to disclose the means of proving the greatest partiality. The conduct of members of parliament, who had shares in the usurious new loan, was most barefaced and shameful. It was such as the noble lord in the blue ribbon would not be guilty of himself, however he might encourage it in others.—It could not now be said, that the affairs of the people were safe in the hands of the House

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of Commons, because that House and their constituents had one common interest: for 12 millions of money were to be borrowed at the most enormous interest, and borrowed from members of parliament; so that that maxim of the representatives and represented having one and the same interest, was reversed: for the more money was squeezed out of the people, the higher interest could the minister afford to give to their representatives for the use of their money. The 480,000*l.* out of which the minister had suffered the nation to be cheated, was equal to one shilling in the pound land-tax. He was exceedingly sorry to see the noble lord object to the motion, since it seemed to be his inclination to sanctify the suspicions that had arisen in the breasts of men against that House. When it was said, that the terms of the loan were extravagantly high, and that much more reasonable terms could have been procured, the noble lord was supported by a number of gentlemen who were subscribers to that loan, and who abandoned their duty as trustees for the sake of their interest as money-lenders. They had voted to take the money out of the pockets of their constituents to put it into their own, and had made bad terms for the people, in order to make good terms for themselves. This was the suspicion the noble lord justified by withholding the means of information. He wished the House to agree to the motion, to rescue parliament from the ignominy of sacrificing the interest of the country to their own.—The noble lord had said, that if members of parliament were in the list of subscribers, they owed nothing to partiality; but surely the case of members and other men, could not admit of a comparison. For the constituents were to pay for the loan; the representatives, as subscribers, were to gain by it; and as they voted the money of their constituents out of their pockets into their own, it could not be said, that they would support the interests of the people against their own: but by forgetting their duty in the capacity of parliamentary delegates, and acting upon the impulse of their capacity of money-lenders, they would betray their trust, and set up their own interest in opposition to that of their constituents.

Lord *North* said, that as to the bargain, he confessed he felt it to be too good, and he was very sorry for it; it was more than he would have consented to, if he could have foreseen what had happened. But

as to the extraordinary premium of 480,000*l.* that gentlemen said had been gained by the subscribers, he could not admit that so much could be gained, when the 12 millions should have been fairly brought into market; that circumstance would undoubtedly lower the premium very considerably. With regard to the idea of extending the influence of the crown by means of a loan, if that argument was to be tried by the test of the present loan, he believed it would be found that he had made more enemies than friends by the list sent to the Bank; for though he was not conscious of having been at all to blame, or of having acted in the least with partiality, he was pretty certain, that the number of persons who were extremely angry with him for letting them have so little of the loan, was considerably greater than the number of those who were thankful for what he had given them.

Mr. *Hussey* said, he had only a few words to say concerning lord North's declaration, that he was sorry at the advanced premium on the omnium. He was the first chancellor of the exchequer, he believed, who expressed a sorrow at the public credit of his country. Was this fit language? If the subscribers got $9\frac{1}{2}$ per cent. at market for the new loan, why should the noble lord be sorry, when it was a proof of the stability of the national credit? The noble lord had said, that if the subscribers should bring the whole loan to market, the premium would fall considerably; but was it for fear of such a catastrophe, that they kept their stock at home? No, certainly, but because they knew they could make more of it, by waiting some time.

Lord *North* declared, that he never intended to imply that he was sorry the funds had risen; just the contrary; all he meant was, he was sorry that he had not foreseen that they would rise, and that the loan would bear so high a premium, that he might have made a better bargain. God knew, it would give him infinite satisfaction, if the funds in general rose in a much greater proportion than nine per cent.

Mr. *T. Townshend* did not see how the House could avoid agreeing to the motion, whether he considered the obligation of the House to maintain their honour, or to do their duty to their constituents. He was astonished to hear the noble lord talking of his *escrutoires*, and his bureau. They were the public treasury of the kingdom. The noble lord declared he was im-

partial, but refused the means by which alone his impartiality could be evinced. Let the names of such subscribers as were rejected be compared for responsibility with the names of those who were admitted; and, on the whole, let the principle be fairly pointed out on which a preference was given to the latter.

After some further conversation, the House divided: Yeas 106; Noes 137. The third motion was negatived without a division.

The Budget—New Taxes.] March 14. The House being in a Committee of Supply,

Lord *North* rose. Before he proceeded to submit the new taxes to the consideration of the Committee, he begged to make an observation or two on some expressions which came out in the course of the debate the last time he had the honour to address them. He was then asked, more than once, whether he intended to apply the annuities, which had fallen in at Christmas last, to make a provision for any part of the loan of the present year? "Because if he did, it was thought proper to remind him, that it would be a misapplication of the proper revenues designed to augment the sinking fund, and of course would amount to a breach of public faith; it would be diverting the monies properly belonging to that fund to uses for which it was never intended; it would defeat the very ends for which the fund was first created and established; and it would be at the same time rendering the security of those who had lent their money on the credit of that fund more doubtful and precarious." These objections deserved an answer, and he would give each of them the best in his power. The annuities which had fallen in amounted to 190,000*l.* and at the time he opened the terms of the loan, he wished to feel whether or not, as far as that annual sum went, the House would prefer it as a provision in part for the payment of the new annuities, or whether they would prefer new taxes to that amount. As well as he could judge, the House seemed to prefer new taxes. If it was otherwise, he was mistaken; but as the House shewed no direct inclination to appropriate the annuities which had fallen in, he imagined he was well warranted in proposing new taxes in their place, and letting the old annuities go to augment the sinking fund.

When he said this, however, he begged

leave to be understood as consulting the sense of the House, yet not altogether falling in with the ideas urged from gentlemen who declared themselves of this opinion. For although he acknowledged the propriety of doing every thing towards augmenting the produce of the sinking fund, because he foresaw that great and signal benefit might be derived from it by applying that produce to the reduction of the national debt, he was far from acquiescing in the arguments urged in order to prove that the application of the 190,000*l.* towards the payment of the new annuities, would amount to a breach of faith with the public creditors. He was clearly of a contrary opinion. He thought the public creditors had no demand whatever upon that sum, either direct or implied. Certain persons had lent their money upon a perpetual and a temporary annuity; the latter had fallen in, the former remained; consequently, whatever was designed for the payment of the temporary annuity reverted again to the public to make whatever use they might think proper of. The use now made of it came clearly within that description, and the sinking fund might be employed to the most beneficial purposes in lightening the public burdens. That was, however, at present, an object of mere speculation, not perhaps worthy the immediate attention of the House; but he mentioned it now, merely in the first place to show that he did not think the public creditors had any demand upon the annuity thus fallen in, and likewise, though no operation of finance was now made upon that annuity, it was not because parliament had no right, or could not with propriety take it and employ it to that purpose, but because it was not necessary, and that new taxes, in the present instance, were preferred to it.

He reminded the committee, that he had promised to submit to their consideration efficient and substantial taxes, such as had been tried and found to answer, and such, of course, as the public creditors might securely trust to; and also that they should be general taxes to be raised upon the body of the people at large, and upon the best of all funds, that of internal consumption. He meant too, that they should be so laid as to affect the luxuries, and avoid the conveniences and actual necessities of life as much as possible. In great operations, when large sums were wanted for the exigencies of the state, partial taxes,

however promising, were precarious, because, whatever the object was on which the tax was laid, it might perhaps be dispensed with; or if not, the promised produce greatly lessened, indeed beyond all expectation. In general consumption it was the very reverse; a few might retrench, but it would be ever a few. Besides, when the duty imposed was trivial, it removed all temptation, so that in considering the system of taxation, as a necessary evil, in a country like this, he should ever think that species of duties the best, which went to articles of general and internal consumption, and when they were not so heavy as to affect the commerce, nor so framed as to fall on particular descriptions of men. He should then think that the real principle and end of taxation was preserved, that of its being equal and productive.

The first tax he said he would propose, was, an additional 5 per cent. on the duties of excise, excepting the brewery, hides, soap and candles. By this he meant the nett produce, clear of all the expences of collection, and every other expence and defalcation whatever. This was a duty which, by the experience of two years, we knew to be productive; and by the effect which that tax had had in its operation, there was the most convincing proof of its propriety. It had been borne by the subject without complaint; it had not, in any one article, diminished the consumption; and it was, upon the whole, one of the most eligible, because it was one of the most even and least burthensome duties that could be laid. In 1779, he proposed a similar tax, and found that it was not only productive, but that it had been borne without inconvenience to any of the articles, or any of the subjects affected by it; he should compute the present at the same sum. To explain what he meant, it would be necessary for him to go somewhat into detail. In the tax of 1779, beer, soap, candles and hides, had been excepted out of the tax of 5 per cent. because those taxes would be drawn chiefly from the lower and laborious orders of the people. The last year he had proposed a tax upon the private brewery, or upon malt used in the private brewery, of 6*d.* per bushel, which, as far as he could learn, turned out extremely productive. He had likewise added a tax of 5 per cent. on the produce of that tax, so that beer brewed in the private brewery had two malt taxes upon it, and the public

malt-tax of 1779, amounted to 15 per cent. When this duty was laid two years ago, the brewery had been omitted, and there were several reasons why it should still be so. The committee would reflect, that he had already stated that the several articles in the brewery had been liable to the additional duty. There had been 5 per cent. on the hops, 5 per cent. on the 15*d.* malt, and 5 per cent. on the 8*s.* beer; and he knew if he put even a fraction of a farthing on strong beer, that commodity would be raised a halfpenny, so that the tax must come immediately to the lip of the consumer, and that, too, in no proportion to the sum that would come into the public coffers. The two taxes which he had mentioned affected (he would allow in a small degree) the common brewer, but the low price of barley enabled him to brew as good beer under the trifling increase now, and a better than he could a few years back, before the additional duties were imposed; but supposing now that he should propose a tax only of half a crown or less a barrel, the brewer would probably raise the price to the consumer a halfpenny per pot, so that if a necessity should hereafter arise for laying an additional duty upon strong beer, the brewer would stand in the place of the state. But that was not all; the brewer, if a small duty were imposed, would either raise the beer an halfpenny per pot, or he would effect his purpose in a more indirect manner. At all events, as applying to the people, or as a mere matter of finance, he thought it much better, as he had done in 1779, to exempt the strong beer out of the excises, to prevent either the commodity from being of a worse kind, or in case of a rise, to prevent the brewers from raising on the consumer what more properly belonged to the state; for upon computation it was found, that only one halfpenny per pot would raise a sum no less than one million per annum from the people.

As to the duties upon candles, soap, and leather, he omitted them likewise, when the last 5 per cent. was laid on; they would certainly produce a very considerable sum; but here, as in the tax upon beer, he was cautious on two accounts; he wished that the general tax should press but as little as possible, where the object to be taxed came within the description of the necessaries of life; but more particularly, when the duty imposed, be it ever so trifling, would be raised in a three or four-fold degree upon

the consumer. These were articles necessary to manufacture, and which came immediately upon the poor; the additional duty on these articles would produce a very small sum to the exchequer, but a duty would give a pretence for raising the price of the commodities to the purchaser. It had therefore been the policy of parliament, ever since the reign of king William, to except these articles from additional duties. The whole duty on these articles would amount to no more than 32,000*l.* and for this sum the public would be taxed, no doubt, to a very considerable amount.

Upon these general ideas, as well as the particular reasons which he had mentioned, he meant, with the consent of the committee, to exempt beer, soap, leather, and candles, from the imposition of 5 per cent. upon all other exciseable commodities; and as this tax had been already tried, and was found to be fully equal to the sums with which it had been charged the last year, he would in full confidence take it for the sum of 150,000*l.*

The next object of taxation was the customs, which he meant likewise to compute at the net produce. When the 5 per cent. was imposed, he took the gross receipt, which amounted to about 2½ per cent. on the net receipt. The net produce of the customs, after all deductions, drawbacks, &c. amounted to 2,391,665*l.* He said that a reformation was considered as necessary in the mode of collection of the custom-house revenue. In its present form it was loaded with many difficulties and embarrassments, and gave so much trouble both to the collectors and to the merchants, that it had long been considered as a very necessary subject of reformation. These difficulties arose from the variety of duties, subsidies, and imposts that had been laid from time to time, the many distinct heads on which every duty was to be collected, and also on account of the discounts which were allowed under various acts, and under various heads. So complex a system was it, as to be liable to innumerable errors; indeed it was so much so, that the merchant, who was to pay the duties, hardly knew what he had a right to pay, or those who were to collect the duty what to charge. It was such a complicated piece of machinery, that almost every thing concerning it was transacted in the dark. If it was so under the eye of the board, it was still worse in the out-ports, where every thing

led to confusion. A small error begat a hundred more, and there was more time lost in correcting the errors of others, than in transacting the real business. There were so many drawbacks, bounties, discounts, &c. that no one man could fairly say he was a master of the subject; several attempts had been made to simplify this complex business, but in vain; much still depended upon chance, and great exertions of abilities and industry were called for, but they scarcely ever proved successful. Many ingenious men had turned their thoughts to it, and the difficulties of the collector were considerably removed by the books of rates that had been published; yet they could not be depended upon in all cases. Several plans had been thought of, to remove the inconveniences in this respect. One was by consolidating the customs, and reducing the several duties into one. Another mode that was thought of was, by simplifying the duties, and abolishing the discounts, which were the chief causes of the difficulties and errors. Such a plan he trusted would be presented to parliament for their approbation. In the mean time he proposed, instead of laying an additional duty of 5 per cent. on the customs, as one of the duties for producing the annuity wanted, to strike off and abolish the discounts in the customs; this he calculated to be equal to a duty of 7 per cent. This operation of finance, while its professed object was the raising a certain sum of money for the use of the state, would, he trusted, as a beginning, assist in simplifying an abstruse study. It was a beginning, and he hoped, would prove a useful one; at all events, it would tend to remove some of the obstacles, and, he made no doubt, would, in the end, lead to something more clear and specific.

As he observed before, there was this duty paid—that sum drawn back—this security given—that tax modified or increased: this created fractions without number; there were $\frac{5}{6}$ of $\frac{4}{5}$, and so on *ad infinitum*. These were again split, compounded, and decompounded, till the mind was bewildered—till it was almost impossible to know what to charge on one hand, or what to deduct out of that charge on the other. If any thing could add to this perplexity, it was the nature of the several duties, and the conditions on which they were imposed. There were the old and new subsidy; the discounts; there was the impost of 1690, in king William's

time; there were the duties of 1728, 1746, and 1759. There was, again, the application of those several duties to the different commodities which were the object of them: in short, he wanted words to convey the distraction and confusion such a variety of objects occasioned. The discounts upon 2,391,665*l.* he calculated to produce 167,416*l.* which he said would amount to about 7 per cent. upon an average, of all the duties; and he was inclined to take this method in preference to any other, because, whenever the plan was adopted for simplifying those duties, and introducing a new system in the collection, this must be one of the branches of reform. Though the discounts would amount to 7 per cent. upon the whole, yet the commodities in general would undergo an addition of much less than that sum. It would not be necessary for him to state the whole of the articles of custom-house duties, in order to convince the House, that this reduction of discounts would produce the sum of 167,000*l.* But he would state four articles which would give them a full idea of the whole, tobacco, sugar, wine and tea, were the commodities on which discounts were principally allowed.

The discount upon sugar and teas was $2\frac{1}{2}$ %. Upon wines it was 4*l.* 16*s.* per tun, which was about 11 per cent. and the discount upon tobacco was 17 per cent. when bonded, and 20 per cent. prompt payment. The average quantity of wine consumed in this kingdom in the year, was 15,000 tuns, the discount on which would produce 72,000*l.* The quantity of tobacco consumed was 8,500,000 lb. the discount on which would produce 49,283*l.* The quantity of tea was 5,000,000; but here the discount, as an object of taxation, was very trifling, on account of the other allowances made to the East India Company, which it was not his wish to discontinue.

The quantity of sugar consumed was 1,400,000 cwt. and the discount on that, he said, was 13,125*l.* Upon the whole, therefore, he stated, that the discounts on the custom-house duties would bring in 174,991*l.*; which was 7,575*l.* above the sum of 167,316*l.* which was what he had taken them at in his calculation towards the annuity. He said that the merchants would not perhaps wish to purchase an exemption from the embarrassments of the discounts at so dear a rate as 7 per cent. but when it was debated between a

new duty upon all the articles of the customs, and the abolition of the present discounts, they would most cheerfully acquiesce.

These were specific taxes, as to the articles he had particularly pointed out, and general ones upon such as he had omitted to specify. Among those articles which would feel the 7 per cent. but still would bear more, was tobacco. The quantity of tobacco for the home consumption was 8,500,000 lbs. The duty imposed by taking away the discount, would amount to one penny and four-tenths. Tobacco, before the breaking out of the late war, was from $10d\frac{1}{2}$ to a shilling, he would suppose a shilling; what with the troubles in America, the high premium, insurance, and the general risk consequent on a state of a war, tobacco rose to 3s. per pound, and after several variations, the price was fixed at 20d.; notwithstanding this extraordinary rise, the consumption had not decreased.

As to the discount on wines, we ought to consider that when the duty of 4l. per tun, or 1d. per quart, was laid on wines two years ago, the trader laid 6d. upon the consumer. This was a very exorbitant increase, and 1d. more was laid on the bottle. It was now thought that a penny more might be laid, without giving the tavern-keepers any pretensions to make another advance. It was making an equal partition of the 6d. which had been laid upon the subject between the exchequer on the one part, and between the importer and the tavern-keeper on the other. This he considered as a duty, therefore, that would not come with any additional weight on the subject. There were two circumstances to be observed in these discounts, with respect to the East India Company; they had two discounts that were peculiar to themselves: one was on account of the expence of the long voyage, and the other on account of prompt payment. It was not his intention to abolish their discounts, but to make a provision as necessary and just, that the discount for prompt payment should take place only when the payment was prompt. It so happened, that through a custom very injurious to the revenue, they did not make their payment till nine months after the conclusion of their sale. Instead of this, he wished to allow the prompt payment discount, under a provision of their paying the duties three months after the conclusion of their sale.

This he believed the Company would not consider as a hard or improper regulation. There was also a regulation which he wished to establish on the article of tobacco. The discount now was 17 per cent. on tobacco when it was bonded, and 20 when prompt payment. There were three modes of settling the duty. The first was paying the money down, but this was very little practised. The second was of entering into a bond for 15 months, and placing the tobacco in a warehouse for exportation, the key of which was kept by the officer; and if any was taken out for home consumption, then the duty was paid upon it. The third was to enter into triple bonds to pay the duty in 18 months, and to take the tobacco home. This was a method injurious to the revenue, and had, in the case of a Mr. Brown, cost the revenue upwards of 24,000l. He therefore wished to establish the bond for 15 months, and placing the commodity under the key of the custom-house, as the only method of collecting the duty. It would be the surest for the revenue as well as the best.

From what he had thus stated, he presumed his next object would be found an eligible subject of taxation, it was, an additional duty of $1\frac{3}{4}d.$ upon the pound of tobacco. If he knew what luxury was, tobacco came within that description; it could not be considered at all as a necessary of life; and if a luxury, it was one of a very particular nature, it was used chiefly by the common people. The reason why he had laid just the sum of $1\frac{3}{4}d.$ per pound, was, that the old duties amounted to $8\frac{3}{4}d.$ and with this addition the whole duty would now amount to $10\frac{1}{2}d.$ By this means the additional duty laid this year, by striking off the discount, and by laying on the above sum, would amount to $3\frac{1}{4}d.$ It would produce the sum of 61,875l.

He now came to a duty which he was exceedingly loth to propose; it was by far the most ineligible, because it would be the most burdensome of any of them; but it was a tax which had been often in contemplation, and whenever a very large sum was wanted, was looked up to as the surest means of procuring it: a duty of 4s. 8d. per cwt. or one halfpenny per pound on sugar. The quantity of sugar consumed in this country, upon an average of ten years, was 1,464,549 cwt. This duty would produce the sum of 326,000l. So that the sums to be raised were an additional 5 per cent. on the duties of excise,

excepting the brewery, soap, hides, and candles 150,000*l.*; the abolition of all the discounts on the customs 167,000*l.*; a duty of 1½*d.* per lb. on tobacco 61,000*l.*; a duty of 4*s.* 8*d.* per cwt. on sugar 326,000*l.*: making 704,000*l.* The annuity to be raised was 660,000*l.* So that there was a surplus of 44,000*l.* to make up for any deficiencies that there might be in any of the sums which he had taken them at. The noble lord concluded with moving the first resolution.

Colonel *Barré* rose to give his opinion on the loan, not having had an opportunity on the day the budget was opened. The burdens the nation already laboured under, required the strictest economy, and ought to be the first object of the minister; instead of which the bargains lately made appeared to him to be enormous, and might have been done on lower terms. He contrasted the conduct of the noble lord with that of M. Neckar, the minister of France, whose plan of economy was worthy imitation. That minister had lopt off a great number of unnecessary places, and he had made a declaration, that if he should be found to dispose of any pensions, or other favours of his master in a partial manner, he should think himself undeserving of the place he held. This measure he recommended to the noble lord to follow, for he was certain many people were employed in public offices who had very large salaries and very little labour, as appeared from the reports which had been delivered in by the commissioners of accounts; for they had said that some attended three days, some two, and others only one day in a week. These commissioners had done some good, and might probably do more; but though he doubted not but they were all men of character and knowledge, yet by the act they were so crippled that they could not probe so minutely into some matters as might be wished.

Mr. *Harrison* commented on the deplorable situation of the nation, which was in a great degree owing to the American war, a war which had been unwisely entered into: for he thought that the cause of the other powers arming against us.

Mr. *Duncombe* expressed his disapprobation of the measures pursued by the men in power; his constituents did not approve of them: he did not approve, and should consequently oppose them.

Mr. *Roberts* said, that on every occasion gentlemen ran wide of the matter before

them, as if there was not field enough for them without going to America, that they might thereby have an opportunity to abuse the ministers; in his opinion, the war with America was a just one, and if any dissatisfaction appeared in the people, it was not from what the minister had done, but from factious notions being instilled by those who called themselves republicans. Some of that complexion were now no more, but they had left those behind them who were determined to follow their steps, infuse false notions into the people, abuse ministers, right or wrong, and that only because they would be popular, by destroying unanimity in that House.

Mr. *Sawbridge* knew not what the hon. gentleman's idea of a republican might be, but if he could form any opinion of it, he not only acknowledged his being one, but gloried in it. Our constitution was happily so framed as to have a delegated king (or call him by any other name, he cared not what) who could not (and he was confident would not if he could) act in an arbitrary manner; he had the happiness of his subjects principally at heart, and would not take any step without the concurrence of the other branches of the legislature. In regard to the loan, he was convinced the money might have been procured at a more reasonable rate; but the noble lord did not stay for any proposition from the lenders, but went into the room where they were, told them what money he wanted, and what terms he meant to give, which he said he would bring evidence to prove was one and a half in value of long annuities more than had appeared in the public prints. Perhaps at some future period it might happen (the age was too virtuous for it to happen in these days) that a member of parliament might go with the first lord of the Treasury behind the Speaker's chair, and promise to support him on all occasions, if he would let him subscribe 10,000*l.* to the loan; if this was agreed to, which it probably would, the minister would secure a vote, the member gain 1,000*l.* and then "conscience avaunt." For his part he should never partake of the benefits arising from a loan, nor should he vote for a single shilling till the grievances of the people were redressed; it was the express instructions of his constituents; that he esteemed as their command; and by that he would be guided.

Lord *North* denied what had been alleged by the hon. gentleman, as to the

long annuities: he was well assured, if he would produce the evidence he spoke of to the bar, he should be able to convince him that his informant was mistaken. Other proposals were made, it was true, but not of the nature stated by the last speaker.

Mr. *Sawbridge* was not present at that meeting, but received his information from one that was; if therefore it was a mistake, it could not tend to impeach his veracity, as he did not pretend to speak from his own knowledge.

Sir *H. Hoghton* expressed his surprize that the hon. gentleman should talk of the 'commands' of his constituents; if he was implicitly to follow the inclinations of those who sent him thither, he could not be said to be a free man; he was fettered, and could not come under the description of giving his countenance to any measure with that freedom which it behoved every member to do. He called it an abject state for any gentleman, and such a one as no member ought to accede to.

Mr. *Sawbridge* said, that he came there to do the business of his constituents, not his own: he scorned the idea of being in an abject situation. He received no favours from ministers; and he believed his conduct in parliament would be found as unimpeached as any in the House.

Mr. *Burke* said, that he could not forbear rising to support his hon. friend, whom he knew to be as firm and uninfluenced a member as any within those walls. It was no wonder he should follow the instructions of his electors, when it was known to every gentleman who had heard him speak in that House, that he at all times avowed himself a warm advocate for the rights and privileges of the people. Different men felt differently on this subject, and though he differed very essentially from gentlemen upon it, he could not censure any person for concurring with the sentiments of their constituents. Having risen for the purpose of vindicating his friend, he could not sit down without doing justice to the noble lord in the blue ribbon, for having laid the taxes on such articles as would prove the least burthensome of any which in his opinion could have been proposed.

The several resolutions were agreed to.

Debate in the Lords on the Increase of Roman Catholics.] March 19. Earl *Ferrers* rose, and made several observa-

tions on the present alarming increase of Roman Catholics in this kingdom, which he endeavoured to prove, from the comparison of three different computations made at three different periods. In 1717, he said the number of Roman Catholics in the county of Chester, upon a fair collocation, was 10,308; in 1767, they had arisen to 25,139; and according to the late computation made at the interposition of parliament, they amounted to 27,228. His lordship thought it fair to argue from this particular district to the generality of the kingdom, and therefore concluded that the number of Roman Catholics must have been increased more than double within the period mentioned. He considered this as so dangerous to the religious establishment and domestic security of this country, that, with their lordships' permission, he would bring in a Bill for stopping the increase of this growing evil, and particularly imposing some severe penalties upon any attempts on the part of Papists to make converts to their faith; and likewise to make a strict prohibition against their teaching in schools of any denomination. He trusted, that their lordships would give him credit, when he assured them, that his motives were not founded in a false zeal or intolerant spirit; an inclination to oppress or persecute. So far from it, he was clearly of opinion, that many of the laws now in being were both cruel and impolitic, so much so, that such had been the moderate and lenient disposition and conduct of government that the whole code was become a dead letter. It was in order to strike out a middle path that he presumed to give their lordships the intended trouble, for the purpose of revising those laws, or rather repealing all the penal statutes now in being against Popery, and passing a general law in their stead, which should have two special objects in view; the protection of the people, professing the Romish religion, in the free exercise of it, and of their civil liberties, and property; the other, by providing such wholesome restrictions as might promise to prevent the farther growth of Popery. He would wish to have such a law as would be effective, as would not clash with the established rules of humanity and justice; and yet such as would defeat every attempt to propagate a religion, which from its principles, tenets, &c. held out strong temptations to the weak, the credulous, and the ignorant. He would wish to see less

rigour and more efficacy introduced into the laws for preventing the growth of Popery; for although he was not very easily led to be alarmed by bugbears, he could foresee, that an evil, trifling in its first appearance might increase, and gain strength sufficient to produce consequences of a very serious nature in its progress. Should none of their lordships oppose his intentions, he meant to move that their lordships be summoned on the 29th instant, to take into consideration the propriety of repealing all the penal statutes against Roman Catholics.

The Bishop of *Chester* (Dr. Beilby Porteus*) said he had no intention to op-

* Early in 1781, the returns to an enquiry, which the House of Lords had ordered to be made into the number of Papists in England and Wales, were laid upon the table; when earl Ferrers, who had moved for that enquiry, observed, that it appeared evidently from these returns, that there had been a very considerable increase of Papists in this kingdom, and particularly in the diocese of *Chester*. This proposition, as the facts on which it rested, referred principally to his own diocese, made it necessary for the bishop to reply; and he has left the following abstract, as the substance of his speech on that occasion:

“As the discussion of this subject appeared to me exceedingly dangerous, and as I well knew that there was no just ground for dreading any increase of Popery, I thought it right to say something in answer to lord Ferrers; and undertook to prove, that his statement of the number of Catholics in the diocese of *Chester* in the year 1717, was extremely erroneous, having been taken only from very inaccurate returns to bishop Gaskell’s visitorial inquiries, and not from any parliamentary survey, which alone could be depended upon: that two such surveys had been lately taken of the number of Papists in England and Wales, one in 1767, the other in 1780; that the number returned at the former period was 67,916, at the latter 69,376; that the increase therefore, in these 13 years, throughout the whole kingdom, was only 1,460, and that this was owing entirely, not to the increase of Popery, but to the increase of population: that I had in my own possession, in consequence of enquiries made upon the subject, very convincing proofs, that in the diocese of *Chester* alone there had been within the last 60 years an increase of more than 250,000 souls, and that this would more than account for the progress which Popery had made in that see. Upon the whole I contended, that, considering the great increase of general population in this realm, the Catholics were a decreasing rather than an increasing quantity, and that

pose the noble lord’s design of introducing a Bill for checking the growth of Roman Catholics; but as the county of *Chester* had been particularly alluded to, he thought himself under some necessity to explain to their lordships the true source of the increase mentioned. He had made calculations as well as the noble lord, and acknowledged that, as to the general result, his accounts very nearly corresponded with those which had just been stated; but though he had every reason to depend upon that calculation which was made in 1767, and also on that subsequently formed in 1780, yet he had various motives for disputing the accuracy or authenticity of the first estimation made in 1717, which he believed to be very vague and uncertain. If there was no other argument than this, against the conclusion which had been drawn, that the number was increased more than double, yet that would be of considerable validity, as it would shew the House, that though this conclusion was not necessarily false, yet it was probably not true, and being upon the whole by no means to be confided in, nothing could be fairly inferred from it. The circumstance, however, to which he principally referred was this, and a very simple though cogent one it was, the immense increase of population which had lately taken place within the diocese of *Chester*. This increase, since the year 1717, was such as exceeded all belief, and of itself constituted a sufficient explanation of the alarming proposition stated by the noble lord. If the number of the inhabitants in general had been so considerably increased, it was plain the Roman Catholics must have increased in a proportionate degree, consequently, any arguments built upon a partial increase of the Roman Catholics within the diocese of *Chester*, unless accompanied with stating in general the progress of population, must be founded in error. As to bringing in a Bill for preventing the conversion of persons to the Popish persuasion, that, in his opinion, was unnecessary, as the severest penalties were already denounced by the law of the land against any man who should make such

there was therefore no ground for the alarms, which some well-meaning but certainly not well-informed people had taken on that subject. These observations were satisfactory to the House, and lord Ferrers withdrew his motion.”—See Hodgson’s *Life of Bishop Porteus*, p. 63.

an attempt, it being even a capital offence in a father to conspire with a Popish priest in producing such a conversion. With respect to the schools, he was opinion the penalties and impediments to them were sufficiently severe. No Roman Catholic was permitted to teach a Protestant child; as for their teaching the children that belonged to their own faith, he should never concur in depriving them of that, as he considered it to be totally inconsistent with justice, humanity, and perhaps policy, to impose such a restriction. Upon the whole, however, he had no objection to the Bill being brought in, but he would take the liberty to suggest, that at this period, when the religious ferment which had been recently excited in the kingdom was hardly quieted, it might not perhaps be quite politic to revive the subject. He wished the noble lord however, before he ventured to commit himself upon the subject, to perfectly inform himself, lest it should be found, that the very argument which he stated might make against his conclusion; for if after numbering the Protestant inhabitants, as well as the Roman Catholics, it should be found, that the increase of the latter was not proportionably rapid with the former, it would amount to a demonstration, that the present penal statutes, though become a dead letter from the lenient temper of government, had effected the only purpose for which such laws could be passed, the preventing the growth of Popery. He wished likewise to remind the noble earl, that although he was far from wishing to see those laws rigorously executed, because repugnant to the first principles of humanity, and the tolerant spirit of the Protestant church established in this kingdom, he was not prepared to say that he would assent to a total and indiscriminate repeal of them; for if penal statutes could be defended upon any ground, it must be that of preventing greater evils, and so far he believed if from no other motives, the evils they were intended to prevent had been in a great measure entirely removed.

Earl *Ferrers* said, he was as averse to making experiments, or wishing to persecute as the right rev. prelate; he thought he had fully explained himself upon that subject when he first rose, and as to making experiments, he was not so self-sufficient as to take such a task upon himself, unaided or unassisted by others; he rose only to throw out a proposition to the

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House for its opinion, particularly that of the right rev. bench, whose advice and assistance, upon a subject of so much importance, he made no doubt he should be able to obtain. By what had now fallen from the learned prelate, he was given to understand what the temper of that bench was; and on that ground only, more than from any persuasion or conviction brought home to his mind by what had fallen from the learned prelate, he was willing to acquiesce in his lordship's sentiments.

March 27. The Bishop of *Chester* rose. He said, his motive for troubling their lordships was, in consequence of what had fallen from a noble earl (*Ferrers*) on a former day, relative to the rapid increase of Roman Catholics. The noble earl's speech had gone forth into the world, and might create an alarm, which he was enabled to affirm, and that with confidence, would prove every way unfounded. Since he had the honour of addressing their lordships the last time on the subject, he had made it his business to inquire more minutely into the facts, and was well pleased to find his former arguments strengthened and confirmed. He then read several computations of the rapid increase of buildings and inhabitants within certain parts and districts of his diocese within certain periods, beginning early in this century, and so up to the latest returns he was able to procure. In some places the proportion was a fourth, in others a third, a half; and in others again the numbers had increased four, five, six fold, or more; but he mentioned two in particular, which proved beyond question the rapid progress population had made in parts of the county of Lancaster. One was of Liverpool, which in 1700 contained but 5,000 inhabitants, in 1770 contained 35,000; the other, a quarter of the town of Manchester, called Saltpore, which contained only a few hundreds in 1719, and by the last return was found to contain 11,000 souls. After mentioning a great many particulars of a similar nature, he informed their lordships, that he had exerted himself, as far as lay in his power to collect the most accurate accounts, some from printed books, others from the clergy within his own diocese; and had been tolerably successful in his inquiries relative to that part of it, called the Archdeaconry, where he found the inhabitants had within half a century increased 40,000; and from such other parts of his diocese whence he had re-

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ceived returns, which did not include the whole, the remainder amounted to 15,000: as far therefore as his inquiries had reached, he was able to speak with precision, that within the period he had described, the inhabitants were increased 55,000, and when the remainder of the returns came in, he doubted not but they would be found to be much more. It had been said by the noble earl, that the Roman Catholics had increased within the diocese of Chester 2,000, between the years 1767 and 1780. If however it was recollected, that it arose from a general increased population during that period within that diocese, it would maintain the very contrary conclusion the noble lord wished to draw from it, for it would prove, that though they had increased, they had not increased in proportion to that of the Protestant inhabitants; besides, notwithstanding the Roman Catholics had increased in the diocese of Chester, he had it from such authority as he could safely depend on, that within the period mentioned by the noble lord, the increase of Roman Catholics throughout England was no more than 1,500; in that point of view likewise, there was an actual decrease of the people of that persuasion throughout England, the diocese of Chester excepted, and there it had been fully proved that they bore no manner of proportion to the general increased population.

Earl *Ferrers* said, he had taken his information from the papers laid on the table, and consequently if he had misstated any thing the error was not imputable to him, but to the species of information laid before the House. He was extremely glad to hear many things which had fallen from the learned prelate; and was perfectly satisfied of the truth of what the learned prelate had advanced, being now fully convinced, that the apprehensions for the increasing growth of Popery, which he had expressed on a former day, were in a great measure groundless, or so far unfounded as to render such a measure as the one he wished to submit to the wisdom of the legislature unnecessary for the present.

Debate in the Lords on the Loan Bill.
March 21. On the order of the day for the third reading of the Loan Bill,

The Marquis of *Rockingham* said, he was totally uninformed, whether the Bill was or was not before their lordships till the evening before last, which was the day

it was brought up from the other House, and read a first time. Yesterday he attended in his place, in order to deliver his sentiments on it upon the second reading, but the House was so badly attended, that he did not think it proper to speak to empty benches, and therefore postponed what he had to say to this day upon the Bill's going to a committee; but here again he found himself disappointed, for he understood since he came into the House, that the Bill had not been committed, but that every necessary form had been dispensed with, and the Bill ordered to be read a third time this day, contrary to all precedent respecting public bills, which should be publicly committed in the body of the House. But he did not mean to rest his opposition at all upon the matter of form; his objections would be directed against the substance of the Bill, the manner in which it was framed, the corrupt source from which it originated, and the various mischiefs with which it was pregnant. The loan to which their lordships were going to give a sanction, by passing the present Bill, was one of the most corrupt in its formation, the most shameful in its progress, and the most injurious to the public that could possibly be conceived.

After this introduction, his lordship observed, that the loan presented two faces, the ostensible or open one, and the concealed; the former being framed so as to impose upon the public within and without doors, and the latter to pillage them of their property; the one was the pretended bargain made by the minister with the subscribers, in behalf or under the implied faith of parliament; the other, a private contract, made with certain favourite subscribers for the most unjust, because the most shamefully corrupt, purposes. To prove what he now asserted, he would state the terms of both loans, or rather the real and pretended terms of the same loan, taken in two different points of view, in order that their lordships might be enabled to judge how far he was, or was not justified in the very harsh terms he had been obliged to bestow on it, when expressing his disapprobation, he might indeed add his detestation, of the whole transaction. The minister's terms, as laid before parliament, were as follow:

150 <i>l</i> . 3 per cent. valued at 58 <i>l</i> .	£.	s.	d.
per cent.	87	0	0
25 <i>l</i> . 4 per cent. valued at 78 <i>l</i> ..	17	10	0

Lottery Tickets, four to each
 1,000*l.* or 12*l.* upon every
 1,000*l.* stock subscription,
 computed at 13 per cent. ... 1 4 0

 £.105 14 0

Here, then, was the bonus or profit stated by the Chancellor of the Exchequer, in the face of the nation, of 5*l.* 14*s.* On the other hand, he begged their lordships to attend to the real, not to this fallacious statement, in which he would prove beyond question, that allowing the stocks to have been fairly valued, the bonus was upwards of 8 $\frac{1}{4}$, if not full 8 $\frac{1}{2}$ per cent. For to the foregoing were to be added the interest from the 1st of Feb. to the day of the payment, a period of 7 weeks, at 3 and 4 per cent. which on each 100*l.* subscribed, amounted to 175*l.* stock, or about 5*l.* 7*s.* per annum, which within the period alluded to, would on that account alone put into the pocket of the subscriber nearly 8*s.* There was a discount upon each prompt allowed, and finally all those subscribers who should make the last payment, on or before the middle of September, were to be paid interest throughout, from the 1st of Jan. Taking, therefore, the bonus as stated by the Chancellor of the Exchequer, and adding the other advantages he had now mentioned, suppressing all fractions of a shilling, the real bonus would be 108*l.* 7*s.*

Before he proceeded farther, he thought it necessary to take notice of some particulars, which aggravated the conduct of the minister, because calculated to serve the subscribers at the expence of the nation. By Castaign's paper, the Friday before the 9th, the day the Budget was opened, the 3 per cent. bore 58 and 59, and the 4 per cent. were done at 70. In the mean time a rumour of a peace was spread, which between that and Monday, the day the bargain was supposed to have been struck, rose the 3 per cent. to 60, 61, and even 62, and the 4 per cent. to 72. Yet, though the noble lord himself acknowledged that there was some foundation for such a rumour, and even in his place ventured to say, that there was a prospect, or at least an appearance of a tendency to peace, instead of availing himself of that favourable opportunity, of making an advantageous bargain for the public, he rated the 4 per cent. at 70, and the 3 per cent. at 58, just as if the stocks had not been at all operated

upon by the rumour alluded to. There was another circumstance which deprived the noble lord of all apology, because in stating the progress of the bargain with the subscribers, he confessed, he had not entirely concluded it till Monday after, as his lordship expressed himself, there had appeared to him a disposition in the belligerent powers tending to peace.

Such being the circumstances attending the loan, he thought himself fully justified, in asserting, that on the day it was submitted to parliament, the bonus stated by the Chancellor of the Exchequer of 5*l.* 14*s.* the 2*l.* 13*s.* arising from the prompts, discounts and previous commencement of the interest from the 1st of January to the day of the first payment, with the depreciated value of the stock, added together, brought the bonus up to the monstrous sum of nearly 10 per cent. or 1,200,000*l.* premium. He was aware of the answers which might be made in defence of the loan: one was, the market fixed the price, and that the necessity of the state made the bargain, and not the minister; that to be sure the bargain was a bad one, in one light, but a good one, when considered as the best that could be made in the present exigency of affairs. He was ready to admit both as general propositions, which could not be fairly called in question, or controverted; but that was the very point in issue between those who negotiated the loan and defended it, and those who considered it, at the best, an improvident bargain, and most probably a corrupt one. He denied, that there was a necessity of dealing with one set of men in preference to another, in order to enrich them at the expence of the public, or by plundering the public still more, to value the stocks 1 $\frac{1}{2}$, if not 2 per cent. under their intrinsic value. This formed the state of things, which he could never approve of, and a species of state necessity of which he would ever dispute the existence. He did not doubt, however, but the measure originated in necessity; he meant ministerial necessity; for notwithstanding the numerous places, pensions, contracts, and every other species of influence, in the gift or disposal of the minister; notwithstanding the last effect of a weak and unpopular administration, he meant the lavish hand with which honours were conferred, upon all sizes and description of persons, such was the folly, the madness, he might add the wickedness of the measures of govern-

ment, that the minister found himself compelled to resort to this shameful waste of public money, to bring to his standard the corruptible part of his opponents, and to fix and persuade the wavering and doubtful among his friends.

What he had yet offered on the subject of the loan would be totally incomplete, if he did not point out some of the leading circumstances respecting its negotiation and distribution; which he trusted, would serve to convince the greatest political sceptic that it was not only improvident, but highly corrupt. He should for this purpose recur to the only ground on which it was attempted to be defended in the other House, upon the supposition already mentioned, that although a very disadvantageous bargain, it was the best that could be made. He would unsay every syllable he had urged to the contrary, if that was the case, and would now proceed to offer his reasons to shew it was not. The amount of the offers made by those who wished to subscribe, he understood amounted to between 30 and 40 millions, who, in the language of the treasury, were deemed good men, or persons supposed to be able to perform their engagements. This, surely, was a good ground for the minister to go to market on. He wanted to borrow a sum of money upon interest, and was willing besides to give a premium to the lender. If, as in the case of an individual, who wants to borrow 1,000*l.*, and must have it, and there is but one lender, there the necessity is evident; for he submits because he cannot help it, and lies at the mercy of the money lender; but on the other hand, if when it is known, that his security is good, and that he has two or more persons ready to advance the sum wanted, his agent, if he be able or honest, will endeavour to make the best bargain in his power: he will treat with the money lenders severally, and close with the man who will advance the money at the lowest terms. Was that the conduct of the minister? Did he propose terms to different persons? No such thing. He selected from among the subscribers a few men of great weight, and those he meant to serve, and give a preference to; and after going through all the idle forms of a mock negotiation, agreed to the terms they prescribed to him, or he wished to prescribe to himself.

But this is all assertion, it may be said. What proof is there that every means were not tried to make a good bargain for

the public? Proof, he would affirm, little short of mathematical demonstration. For no specific bargain was made with any man. The minister came to parliament, not on an actual contract with any particular man or description of men; he came only upon the faith of several offers amounting to upwards of 30 millions to be subscribed. What next? Why, when the persons who offered to subscribe, came to have the real sums entered before their names, it was discovered that four-fifths of the subscription was divided among the minister's friends, and a few great monied men; among, in particular, several of the members of the other House, clerks, mean and obscure persons, &c. while, on the other hand, some of the best names in the city were either excluded, or did not get more than a third, a fourth, or fifth, of what they wrote for. Either the minister foresaw the bargain would prove a very advantageous one to the subscribers, or that it was liable to great risk. If the former, he should have reduced the profit; if the latter, it was rather singular that he should put those, whom he wished to serve, in a situation which might possibly render an intended act of friendship a misfortune.

It was a matter of opinion no way material to his argument, whether members of the other House in trade ought to have had any part of the subscription; but if not in trade, or dealers in money, he believed it would be very difficult to persuade any man in his senses, that 10 per cent. profit upon a loan would not answer every purpose of influencing their conduct as much as if it had been actually issued from the Treasury. Consequently, the great numbers whose names appeared in the list laid before the other House, and the much greater number whose names were concealed or covered, convinced him that the loan was negotiated with a view to bribe those who would not perhaps look for or receive a bribe in a direct manner.—He knew it was not parliamentary to speak of what passed in the other House; he would therefore say, that he heard the loan defended in a certain assembly on two grounds, besides those he had already recounted. One was, that if any benefit was likely to arise from a subscription of the kind, it was natural and proper that the minister should give a preference to his friends; and that loans had been generally understood, in former times, to be an engine of influence, and an appendage of administration, in order to enable them

to conduct the affairs of government. To each of these he would give a specific answer, by demonstrating, that the fact having not happened, in reference to the period alluded to, it did not warrant the conclusion; and if it had happened, that its specific application in the present instance could not be maintained.

He had been of an age sufficient to turn his attention to public affairs during the last glorious war, and the glorious consequences which attended it; and could therefore vouch for the truth of what he was going to assert, during the administration of lord Chatham, when the duke of Newcastle presided at the head of the Treasury. He had since refreshed his mind, by turning over such papers as enabled him to state correctly the facts he was about to mention.

The bonus on the omnium of the loan of 1758, was but $1\frac{1}{4}$ per cent. on two millions; in 1759, he believed at $\frac{1}{2}$ per cent. discount upon four millions. In 1760, $1\frac{1}{2}$ upon eight millions; and the last $\frac{3}{4}$ per cent. though twelve millions were raised. The next year the duke of Newcastle went out of office, and it was not till 1763, the first year of lord Bute's administration, that the minister for the time being ever thought of extending his influence, by plundering the nation in the midst of those distresses which are always the concomitants of a state of war, during an administration in which a secret over-ruling influence was introduced, the fatal consequences of which, he feared, would only terminate with the overthrow of our constitution, if not the destruction of the nation itself. So far, he trusted, the fact was disproved, which was a full answer to the inference drawn from it; but he begged leave to add, that the glorious administration when lord Chatham was at the head of our councils, a Newcastle at the head of our finances, and an Anson at the head of our navy, wanted no aid from corrupt or secret influence. The influence of that day arose from a well founded confidence in the wisdom of their measures, in a well-earned popularity; in their spirited and vigorous plans, most happily executed; in an able and faithful disbursement of the public money committed to their management, and on the only true basis on which national prosperity can ever safely be supported, a firm and fixed attachment to the constitution, and every blessing we enjoy under it.

Having touched upon a great variety

of other topics of less consequence, he contended, that the minister in the other House had broke his faith with parliament and the nation; and though he should not put a negative on the Bill, he deemed himself called upon, as an act of duty, to testify his total disapprobation of a loan, which at a time of such public calamity as the present, when the utmost economy became necessary, wantonly and corruptly lavished at least a million sterling; and that, in his apprehension, merely for the purpose of influencing or bribing the representatives of the nation, in parliament, to give their countenance and support to the continuance of a most wicked, impolitic, and ruinous war.

No reply was made. The Bill was read a third time and passed.

Protest against passing the Loan Bill.]
The following Protest was thereupon entered:

“Dissentient,

“Because when a bargain improvident in its terms, corrupt in its operation, and partial in its distribution, is negociated by a minister acting for the public, its having passed through the House of Commons can be no reason for its passing without observation through the House of Lords. Without waving our undoubted right of giving a negative to this or any other Bill, we respect the principle of public credit too much to attempt at this juncture to exercise that right, though, if we looked only at the enormity of the abuse, the most direct opposition never could be more properly called for: 21 millions are added to the capital of the debt for a loan of twelve; $5\frac{1}{2}$ per cent. perpetual annuity is granted; 650,000*l.* are to be levied in the yearly taxes upon the people. In such a situation the most rigid economy ought to have been used, and the premium on the loan ought to have been reduced in proportion to the exorbitance of the interest to be paid. Several circumstances appeared favourable to the minister, if his object had been to serve his own support. Besides the prospects derived from the beginning of a negociation for peace, it is allowed that treble the sum subscribed had been offered, and a very large part of that surplus by persons more responsible than very many of those who were admitted. In that situation, so favourable to the borrower, where the being permitted to lend was sought with emulation, the first commissioners of the Treasury chose

to make a bargain, opened at 10 per cent. premium the day after the loan.

"This price was not the effect of mere popular opinion, or of artful management; but was grounded on the real value of the great body of the other stocks at the time, and was no more than what arose from a just relation to the rest. We are the more dissatisfied with this shameful prodigality of public money, by comparing it with the period when a strict and conscientious management of public treasure at home became a foundation for the glory of our arms abroad. During the duke of Newcastle's administration, on the several successive loans from the year 1758 inclusive, to the time of his removal from office, never exceeded $1\frac{1}{2}$ per cent. at the opening; was generally less, and sometimes at a discount; yet the national credit was in vigour. During that time 43 millions were borrowed. In those happy days, the ministers standing on national ground, were not in a state of servitude to any set of men, nor led, through a false system of politics, to aggravate the distresses of their country, by hiring a venal cry to personate the voice of the public, and to give support to the measures which had occasioned such distresses.

"It is not a matter of surprise to us, at a time when such things can be done with impunity, that lords of the greatest honour and ability have wholly discontinued their attendance. But it is not improper that those lords who do sometimes attend, should record their names in testimony of their strong condemnation of the terms of this loan, and of the motives which (they conceive) dictated terms so very disadvantageous to the crown and the nation.—

(Signed)—Rockingham, Portland, Osborne, J. St. Asaph, De Ferrars, Fitzwilliams, Bolton, Ponsonby."

Debate in the Commons on the Contractors' Bill.] March 21. The order of the day was read, for the commitment of the Bill "for restraining any person, being a member of the House of Commons, from being concerned himself, or any person in trust for him, in any contract made by the commissioners of the Treasury, the commissioners of the Navy, the board of Ordnance, or by any other person or persons, for the public service, unless the said contract shall be made at a public bidding." On the question for the Speaker leaving the chair,

Lord Beauchamp rose, and opposed it.

He began by observing, that though this Bill had received the approbation of a former House of Commons, that circumstance could not preclude its being opposed in the present. Many different motives might have actuated gentlemen of the last parliament, in the votes they gave on the subject of this Bill, which did not now subsist, or ought not to operate. In the ardour of reformation, then prevalent, many important propositions were before the House, and the people very urgent in their complaints: perhaps it was judged right to embrace the smallest innovation proposed, or perhaps it was a piece of delicacy, not to dismiss in that House a Bill, by which its own independency was professedly supported, but leave it to be rejected in the other. Whether these, or whatever other reasons induced the concurrence of the late House of Commons in this measure, the conduct of one parliament ought not to govern any succeeding one. The principle of the Bill had never met his approbation, for it presupposed a degree of corruption in the government, as well as among individuals, which, without proper evidence, could not fairly be affirmed. It was absurd to infer, from the corruption of a single contractor, that every man of the same description was incapable of serving his country with integrity. Why should government be precluded from intrusting the business of contracts to members of parliament, when perhaps among them might be found persons the best entitled to public confidence? Gentlemen should properly consider how essential it was that this department of office should be faithfully discharged. His lordship then entered into the structure of the Bill, and adduced many objections, which, though they did not go completely to the principle of it, he thought might fairly be urged against its commitment. First of all, more was contained in the Bill than its title and declared design could warrant; for it excluded not only contractors themselves from the House, but all those who were employed or interested in the contract. Now this clause might, by construction, render many gentlemen ineligible, whose rights were not intended to be invaded, as most men of landed property had coals, copper, or timber, on their estates, all of which might be sold to contractors, and consequently involve the owner in the restriction of this Bill. But the proposed reformation would be as nugatory and uncon-

stitutional as it was unlimited; for what could be easier than to evade its provisions, should contracts for the purpose of corruption be actually bestowed, by holding them in the names of others, and so deriving the emolument without the ineligibility here created? On all these grounds, he was against the Bill going to a committee.

Sir George Yonge said, the noble lord's strongest objections went rather to the clauses than the principle of the Bill, and as they served to shew that the Bill wanted amendment and was too loosely drawn, he could not but consider them as good reasons for suffering it to go to a committee.

Earl Nugent argued against the Bill. He said the commission of accounts was the source of salvation to be looked up to, and not such bills as that under consideration: which never had, nor never would produce any good to the country. As a proof of this he instanced the Pension Bill, brought in by Mr. Pulteney merely to recover his popularity, when it was almost lost. That Bill was declared at the time to be the great cleanser of that House, "to purge its gross humours and purify its blood." What had been the consequence? Let the gentlemen on the other side the House answer: they who were every day loud in declaring, that the House was more corrupt than ever. He considered all attempts to disqualify men, and to exclude them from the fair enjoyment of hereditary rights, as exceedingly improper. It was not consistent with the true spirit and principle of our constitution. It was a mean, nibbling policy, extremely different from the broad and liberal basis of the ancient fabric of our liberties; but there was an itch for reformation prevalent in that House exceedingly reprehensible.

Mr. Powys attacked the noble lord who began the debate on his mode of argument: his lordship had, he said, reasoned against the commitment on the very ground which evinced its necessity, and had condemned it in one breath for being too efficient, and altogether nugatory. The noble lord surely did not offer such arguments to convince the House, nor could he be convinced by them himself, but had suspended his true ones from some of those motives he had imputed to the last parliament, either wishing to concede to the people by the most ineffectual reformation they desired, or to stop the progress of this Bill in the upper House, as formerly.

Colonel Onslow not only disapproved of the Bill on account of its being calculated to shut the doors of that House against the merchants in general, whom he thought one of the fittest descriptions of people to sit in it, but on the general idea of its introducing a spirit of innovation that might be carried to a dangerous excess. If this Bill to exclude the merchants were passed, he should not wonder to see some other gentleman start up and propose to bring in a Bill to exclude the military. As great a variety of arguments might be used in support of such a proposal, as could be advanced in support of the present Bill. We should then hear violent harangues about the danger and the impropriety of red coats. And then at a future day, a third gentleman would be encouraged to rise and propose the exclusion of every naval officer, then we must have no blue coats; and after that a fourth might attempt to do the same with the lawyers, and then we must have no black coats and great wigs, and to make that House again a *Parliamentum Indoctum*, an unlearned parliament. Gentlemen might reason upon the latter position thus: "These lawyers come here merely to get preferment, to be made attornies and solicitors general, judges, and chief justices. Nay, sooner than miss the latter object, a lawyer will consent to be a chief justice in *air*. They only puzzle us country gentlemen. Three or four of them get up, and make speeches of three or four hours long each, till we are so bewildered that we can scarcely tell white from black. Let's out with them, and then we shall be the better able to understand one another." The colonel said, there would be no end to projects and alterations if the present proposal was adopted. He had other reasons also for opposing it. In the first place, he had rather at any time sit down with a gentleman than with his footman. If the Bill passed, all the respectable and wealthy men would stay out of parliament, and they would send their servants and dependents to that House. In fact, if the minister chose to practise corruption, it would be done in a much more underhand manner. Now, every person knew who the contractor was; if the Bill passed, the contract would go through so many hands, that a great deal more of the public money would be wasted; if gentlemen, however, were violently bent on purifying that House, let them begin with turning out all those members that were sent there by

dukes, and marquises, and earls; we heard in that House of the duke's man, and the earl's man, and the Nabob's man,—men who recommended themselves solely by their oratory, who combined together in gangs, and getting a lawyer at their head, were sufficiently formidable to do mischief, and impede the operations of government. He objected to the Bill, because it went to take away a legal right from the elected; and he should object to the Bill to be next taken into consideration, because that was designed to take away legal rights from the electors.

Sir *P. J. Clerke* pointed out the pernicious tendency of contracts to the independency of the House, and called them more dangerous means of influence than any others in the hands of government. He alluded particularly to the favours conferred upon Messrs. Muir and Atkinson, the latter of whom was stated in the list of the subscribers to the loan to have only 200,000*l.* but all these dependents and connections appeared at the same time considerable subscribers. Similar to this was the case of an eminent banker, whose subscription was given at 60,000*l.* while every clerk in his house had astonishing large sums to the amount altogether of more than 300,000*l.* He animadverted on what had been advanced in objection to the Bill, and particularly on the arguments advanced by the noble lord who begun the opposition to it. It was rather singular, that after so long a time, such arguments should be resorted to. It was a strange discovery, that the members of that House were to be prevented by the Bill from selling to government the produce of their estates. No such idea had ever entered into his head: but if a member of that House went into the closet of a first lord of the treasury, and there made a secret bargain, by which he received three times the sum for his timber, his iron, or his copper, that it was worth, the Bill interfered and discharged that member from his seat in that House, because it was evident that he had an interest in maintaining the war in which we are so unfortunately engaged, and that his interest and those of his constituents were different. He ridiculed the affected terrors about innovation and encroachment. To be sure, the fabric of the constitution would receive a dreadful shock by the exclusion of contractors! They were a set of men for whom the constitution ought to entertain the greatest

reverence! He begged leave to make an honourable distinction between the fair and respectable merchant, who made his contracts at a public bidding, and executed them in an open, responsible manner, and the man who made parliamentary interest the ladder to preference, and who was protected in every speculation for the same cause. He wished to see merchants in that House: he considered them as the most respectable men, when they came there independent, with the virtuous intention of guarding the commercial welfare of the kingdom. But it could be no hardship upon them to be told by an act, that if they preferred a secret to an open contract, they must give up their hereditary eligibility of sitting in that House. They knew the terms, and it was a voluntary surrender of their right on their own part, not a violent disfranchisement by parliament. The argument also, that the Bill would be injurious to the public service, because many contracts would require to be made in private, was idle and silly: it did not prevent government from making private contracts; it only directed them, when they made such contracts, to seek for merchants who were not members of parliament, and it was a libel upon that body of men, to say that there were not a sufficient number of men properly qualified to execute the contracts of government out of that House. It was equally puerile to say, that there would be danger in giving the contract at all times to the lowest bidder. There was no such provision in the Act. It left a degree of discretion in government, sufficient to guard against the evil of intrusting contracts to needy adventurers. The best bidder was not always the lowest bidder, and government by this Bill would still be left in the exercise of their judgment, to give the preference where it was most justly due.

Mr. *Rosewarne* began with observing, that as this Bill had been repeatedly the topic of parliamentary discussion, he did not rise with any hopes of throwing new light on a subject, which must be considered as nearly exhausted; and yet, as a new member of a new parliament, he could not content himself with giving a silent vote on so important a subject; and as, from his situation, he never could possibly be a contractor, he felt himself more at ease in speaking his mind on this occasion. He then observed, that an hon. gentleman had said he by no means wished to exclude merchants, who had a seat

in that House, from executing contracts, and that the Bill would not prevent them; it only prevented their doing it improperly. Undoubtedly, there was a salvo in the Bill, that merchants may have contracts, provided it is at a public bidding; but gentlemen must know it was impossible to treat for those things at a public bidding; the consequence would be, that a number of persons, noways responsible, would attend, and beat down the prices of all commodities infinitely below the standard; and if such persons were the contractors, they would not be able to execute them, and the consequence would be, our fleets and armies would be either starved or poisoned. He had heard no answer given to an objection made by an hon. member, which appeared to him unanswerable: to wit, that the Bill was nugatory in itself. He begged leave to pursue the argument a little farther. If ministers were really those corrupt creatures the other side of the House painted them to be, and members were equally willing to be corrupted, would this Bill prevent it? Exactly the contrary; it would produce a dark, vile, secret corruption, tenfold worse than that which was pretended to exist at present; and, instead of having men in responsible situations, amenable to the justice of parliament, they would have none for contractors but such as would be totally incapable of performing their contracts, and perhaps, when called on to answer for their conduct, they would not be to be found. But did gentlemen really think it was a necessary consequence of a member having a contract, that in holding a place under government, he was thereby induced to support government on all occasions, even in case a minister was to attempt to destroy the liberties and constitution of the country? From whence did they draw this conclusion? Was it from their own feelings? No; he would not do them that injustice; they did not really think it themselves. It was the common-place language of every opposition, and increased in violence in proportion to the length of time a minister continued in office, and therefore it was not to be wondered at, that it operated so strongly at present. But if a minister was ever to be hardy enough to attempt to make the experiment, and introduce a Bill into the House really hostile to liberty and our excellent constitution, he did not doubt but he would be as firmly opposed by a great majority on that side the House, as

by any of the contract opponents on the other. That on the whole, there did not appear to be either policy or justice in the formation of the Bill, and that he certainly should vote against it. He then reminded the House, that in a former debate he had mentioned his very peculiar situation, and that in the midst of the clamours for the reduction of salaries, his own had been considerably increased; that his enemies had dared to represent it as a vile election job, a secret bargain with the treasury, so that what he had considered as the greatest honour of his life, had been, through the malice of his enemies, endeavoured to be wrested to the ruin of a character, which was before wholly irreproachable. He had called on the noble lord in the blue ribbon to justify him from this scandalous aspersion; but the noble lord had not answered his call; he could not therefore rest satisfied. He called now solemnly on the noble lord to declare, on his honour, if there was the least shadow of foundation for the vile report. If the noble lord hesitated to do him justice, he would certainly do justice to himself, by instantly resigning the office, and paying into the public treasury every farthing he had received in consequence of the additional salary, and then he should at least have the consolation of knowing that he had served his country to the utmost of his abilities, and that his services had been rewarded with the approbation of his countrymen, which he should ever esteem a very great reward. His colleague was not in the House on the former occasion. Let him now declare what he knew of the matter, and whether his conduct on the occasion was not grounded on principles of honour and virtue. He could not rest satisfied, till this matter was fully explained.

Lord North apologized to the hon. gentleman for not having attended to his appeal a few days since; called on in the solemn manner that he had been, he felt it incumbent on him to do justice to the hon. gentleman's character, but imagining he should have had occasion to rise in the course of the day, he had waited for an opportunity; the debate, however, taking a new turn, it so happened, that no occasion had offered. Undoubtedly, the hon. gentleman had a right to expect that he should do him justice in assisting to clear his character from those aspersions which had been thrown out; that assistance he was extremely ready to give.

The hon. gentleman held the office of vice warden of the stannaries of the duchy of Cornwall, and two years ago the lord warden presented a petition to the Treasury, signed by almost every nobleman and gentleman in the county, stating, that the vice warden's duty was extremely laborious, that the hon. gentleman discharged it with great ability, fidelity, and very much to his honour; and that he was extremely ill paid for his trouble. As this petition had the most respectable list of subscribers' names annexed to it, that perhaps were ever put upon paper, and as it spoke of the hon. gentleman in terms of the highest respect, the Treasury immediately instituted an inquiry, and found every allegation of the petition true; it appeared on examination, that the duty of the vice warden was very laborious indeed; the hon. gentleman having sometimes 80 or 90 causes to try in a year, some of which took up two or three days hearing, and for which he received a salary by no means adequate. Upon this ground it was, and upon no other, that his salary was augmented. With regard to the addition having been granted by way of election job, nothing could be further from the truth than such an insinuation. He had never seen the hon. gentleman but once before he became a member of that House, and so little did he know of his having any interest in a borough, he really could not have told, previous to his election, in what part of Cornwall his interest lay. Mr. Rosewarne's return for Truro, was first announced to him by the public newspapers, and he could with the greatest confidence assert, that the augmentation of his salary was promised long since, in consequence of the petition he had mentioned.—His lordship now said a few words on the question before the House. It was absurd to imagine, that if contracts were publicly disposed of, the highest bidder would be the most responsible person: on the contrary, it was the adventurer only who would contract on hazardous terms, while the monied man, able to employ his property in other channels, would require an adequate advantage for serving the public. Where the trust was consequential therefore, it was requisite to give a discretionary power for lodging it in safe hands.

After some further conversation, the question being put, That the Speaker do now leave the chair, the House divided:

Tellers.

YEAS	{	Sir Philip Jennings Clerke	}	100
		Sir George Yonge - -		
NOES	{	Sir John Irwine - - -	}	120
		Mr. John Robinson - -		

So it passed in the negative. It was then resolved, That this House will, upon this day six months, resolve itself into the said committee.

Debate on Mr. Crewe's Bill to disable Revenue Officers from Voting at Elections.]
The order of the day being read, for the second reading of the Bill "for better securing the freedom of elections of members to serve in parliament, by disabling certain officers employed in the collection or management of his Majesty's revenues, from giving their votes at such elections,"

Earl Nugent opposed it, on the same ground that he had the Contractors' Bill; namely, that these innovations were extremely dangerous and nugatory. He was an enemy to disqualifications of every sort, and had never been in the opinion that they could answer any salutary purpose, either by purifying that House, or rendering the constituent body less corrupt. He had said that Mr. Pulteney's Place Bill, which was a scheme more likely in theory to produce salutary consequences than any of these chimerical notions, had yet proved a mere chimera. It had done nothing, if we believe the daily assertions of gentlemen on the other side of the House, that we were more corrupt than ever, and that the influence of the crown had increased, and was increasing. He declared that he did not think it justifiable in that House to disqualify a great body of their constituents, merely because they were useful and necessary servants of the crown, and valuable members of society. It was an illiberal sentiment to believe, that because they received a small emolument for their services, that therefore they were to prostitute their franchises, and give up their opinion to the disposal of others.

Mr. T. Townshend warmly supported the Bill, and reprobated the vague ideas of the noble lord, that there was either cruelty or injustice in taking from excisemen their right of voting at elections. It was a disfranchisement only upon certain conditions, and which conditions were fairly pointed out and specified: if the freeholder of any county, or the burgess of any corporation, chose to accept it under the condition of

surrendering, while he held it, his franchise of voting. It was therefore a matter of election, and depended totally on himself. If he considered his franchise superior in value to the office, he would reject the one and preserve the other. In short, being a matter of choice, a mere condition annexed to a valuable consideration, it could not be either unjust or severe. On the contrary, it would be a kindness to excisemen to take from them this painful franchise, in the unrestrained exercise of which they were obliged to sacrifice friendship often, and opinion almost always. He mentioned several instances of severity in this particular, and several boroughs, where the independent interest had been totally overborne by this undue influence of the crown. He knew boroughs, where, by the overbearing influence of excise officers, government had it in their power to place what gentlemen they pleased, without consulting the inclinations of the electors, or even taking the decent trouble of informing them who it was that they meant to impose upon them. By this means it frequently happened that so far from giving a preference to the court candidate, from their opinion of his abilities, integrity, or zeal for their interests, they knew not even his person, and never heard of his name till it was declared from the hustings. Nay, to such a length was this system of domination and slavery carried, that even the candidates themselves were unacquainted with one another, and when they met upon the hustings, or afterwards by accident, they would accost one another with a sort of distant civility: "Sir, your name—You have the advantage of me," and so forth. All this unaccountable and slavish system, however, must be maintained, because innovation was dangerous. Whatever errors intruded into the ancient simplicity of our constitution must be cherished because the skill of the physician might be fatal. Such arguments were too idle to bear a moment's reflection. This evil ought to be remedied. It had advanced to an enormous weight of influence, and the disgraceful consequences of it brought obloquy on that House as well as ruin on the country. He mentioned one borough in particular, where the hereditary interest of an ancient family had been totally overthrown by this corrupt power, and where the electors, with tears in their eyes, and with heavy hearts, were compelled to abandon their patron and their friend, to vote for a stranger, that

they might preserve their places. A number of instances of a similar nature might be produced sufficient to convince the House that it would be kindness and not cruelty to relieve them from this disagreeable right.

Mr. *Perceval* spoke against the Bill, as tending to deprive a great and respectable number of the electors of this kingdom of their ancient and inherent franchise. He disapproved of all such plans of reformation. In all these modern systems of reform, it seemed to be the design to give the right of voting to those who had it not, and to take it from those who had. Admit the propriety of this disqualifying Bill, and the same arguments would go against any description of men in the kingdom.

Mr. *Crespigny* mentioned an instance of a whole body of excisemen resisting bribes and menaces, when thrown out by government to induce them to vote for a man whom they disapproved. These were his constituents, and he had therefore a right to say that they were not dangerous possessors of the right.

Mr. *Rolle* supported the principle of the Bill as a just and necessary measure of reform, by which the freedom of election would in a great measure be restored. In his own canvas for Devonshire, he had met with many instances of the cruel bondage in which the excise officers were held, and one in particular, which struck him very forcibly. A person who was an intimate friend of his own, was compelled to vote for the other candidate, after having given him his assurance of voting for him, in consequence of a peremptory injunction, accompanied with a menace, that if he did not, he would be turned out of his office; his friend shewed him the letter, and appealed to him for his advice; he was himself determined to vote for him at all hazards, but Mr. Rolle said, he would not be the means of depriving him and his family of support, and insisted on his voting on the other side.

Lord *John Cavendish* contended for the propriety of the Bill. He said, that this gentle, easy, and practicable reform, was absolutely necessary, for things could not go on as they were; the people would be taught by misfortune first to despise, and afterwards to resist the legislative power.

The question being put, that the Bill be read a second time; the House divided:

Tellers.

YEAS	{	Mr. Crewe - - - -	}	86
	{	Lord John Cavendish -	}	

NOES { Mr. Charles Townshend } 133
 { Sir Grey Cooper - - }

So it passed in the negative. It was then ordered, that it be read a second time this day six months.

Debate on Mr. Minchin's Motion respecting the State of the Navy, Dock Yards, &c.] March 25. Mr. Minchin said, he could not decline bringing the present state of the navy before the House, because delicate people might fear it would prove dangerous to our future operations. He thought there was no ground for such fear. He considered that the greatness, commerce, and trade of this country, entirely depended upon her navy, not even such a navy as would defend her coasts, or such as might stand a comparison with any other foreign power, but a marine force superior to that of the whole House of Bourbon. When the naval superiority of this country came to be seriously disputed with us, it was time to look about and to be alarmed, and make the most spirited exertions in order to turn the balance in our favour. It was agreed on all hands, that the navy of Great Britain, on which the very existence of this country depended, and which had lately been the sovereign of the ocean, was now so mutilated and depressed, that that sovereignty was lost, even without striking a blow. We had, it was true, beaten the Spaniards last winter twelvemonth. We had triumphed over the Dutch, and were superior to our enemies in the West Indies; but that was but a partial superiority; a superiority liable every day to be wrested from us. France had been, and must shortly be again, superior to us in those seas; but the circumstance which filled him with equal grief and astonishment was, that we had been inferior at home, in the Channel and the Bay; in each of which places we had been obliged to fly from a superior and flying enemy. The fact was notorious, in our own channel, in view of our own coasts. It was no less so last winter. Here he did not speak from common hearsay. The first lord of the Admiralty had acknowledged, that admiral Darby had but 17 men of war of the line under his command when the advanced frigates got sight of the French, consisting of 38, if not 44. Now, what was 19 or 29, when opposed to 38 or 44? Nothing. Therefore, when he considered that this empire, formerly deemed the sovereign of the sea, had lost that title with-

out striking a blow, he could not suffer any consciousness of his own inability to do justice to the subject, to prevent him from bringing it under consideration. The navy had been managed in a manner so unaccountably impotent and extravagant, that something must be done. We could not go on in the same wild and wanton track, without system, without œconomy, without exertion, and without success.

He trusted that this would be but the first of a series of enquiries, from which such wholesome reformatations might be made, as might tend to the permanent benefit of the state. He wished to arrange the topics of consideration under different heads. The first object to which he wished to lead them, was to a subject of account. And gentlemen, though they did not belong to the navy, were still capable of examining the state and condition of our dock-yards; they would be able to judge, from observation, of the number of our fleet, and to compare it with the sums that had been voted for the purpose of raising and maintaining that fleet; they would be able to judge of the activity, or the indolence of our naval exertions; to compare what was done with what was promised, and what was necessary. All this he conceived men who had not made the profession their peculiar study might be able to do. And another duty, as representatives of the people, they might be able to perform; and that was, to inquire into the expenditure of the money which they granted for the navy with so liberal a hand. This was the first topic. During the late peace, from 1762 for a series of years upwards, the buildings, rebuildings, &c. had never exceeded 400,000*l.* but for several years past they had amounted to upwards of 600,000*l.* In the former period we had built 5 ships of war at an average annually, and in the present period of war not more than three ships, though our navy debt was upwards of ten millions. The reason was evident. Sums of money had been granted year after year, for the purpose of building and repairing the ships of war, and estimates were given in to the House, on which the money was granted; but there were no checks, no vouchers of the application of that money, and parliament did not know that it was employed as directed. On the contrary, there were circumstances of proof on the annual estimates that the money was not applied, that the commissioners of the Admiralty did not keep their

promise with the public, and that ships remained from year to year unfinished. There were many ships in the several dock-yards under this predicament. One of them only he would mention, and this was the *Narcissus*, a sloop building in Plymouth dock-yard. In the estimate for 1777, 3,000*l.* was required for completing the *Narcissus*; and in a note added to the article it was declared, that she would be finished in the month of May of that year. In 1778, so far from being finished, she wanted more than she did before, and 4,000*l.* was given to complete her. In 1779 the *Narcissus* still stood on the stocks, all the former money was gone, and a still larger sum was yet wanted to give her the finishing stroke. 5,000*l.* was now granted, and still she was promised to be finished. Another year came, however, and brought with it, as usual, the *Narcissus*; 5,040*l.* were now given, and not a stroke had been given to her from that time to this. This was a single instance, out of the many, that appeared upon the estimates, of the conduct of the commissioners in this respect. Perhaps it would be said, that though the money was voted for the specific purpose of repairing certain ships, yet it might have been applied to other purposes more immediately necessary to the service, and which were not foreseen at the time that the estimates were laid before the House. This was the pretext, he knew, which had always been given for this irregular proceeding; but, in his opinion, it was not an exculpation. An account should be given to the House of the application of that money. It should be specified how it was expended, that the House might have the satisfaction of knowing that it was not improperly wasted; that it was not put into the pocket of the first lord of the Admiralty, or that it was not, like old stores and shipping, sold for his benefit. He wished to see the practice in this case corrected, and for this purpose he meant to move for leave to bring in a Bill, by which he trusted a plan would be established more simple in its nature, and less liable to abuse. The principle of it was to provide that the commissioners in the several yards should be called upon to give an account upon oath of the sum of money that would be wanted for the several repairs and buildings to be undertaken in the year, and that such estimates should be laid before the House on their meeting, in order that a sum, *in toto*, should be granted for the whole of the navy service,

and that this sum should be more than the estimates given; but for all the application the commissioners should be obliged to account. This would simplify the expence, and would take away the suspicions which lay against the commissioners in the present practice of the board.

There were two assertions that had been made, both of which he should venture flatly to deny, and these were, that the navy of England could only be encreased to a certain point, and that it had reached that point already. He was aware, that these assertions were founded on an idea, that after the navy was increased to the degree that our navy was increased at present, neither more ships, nor more men, were to be procured. This he was as ready to contradict, as he was to deny the other; and for the best reason in the world, because he was convinced that both ships and men might be had, if the proper exertions were made by the board of Admiralty, and discipline was restored to the navy. It was with singular pleasure, that he had lately heard a motion from a noble lord, for an increase of the number of marines. That was a certain way to get sailors. Let any gentleman move to vote for 20,000 more marines, and he would second the motion. The marines were the corps, which, if properly encouraged, would prove most valuable nurseries for our seamen, a never failing source that could not be sufficiently cherished. One great cause of the deficiency of the number of our seamen was the desertion, which far exceeded any thing of the kind last war. This must be cured by some means or other, or it would be impossible to have such a navy as could diminish, at least, if not destroy the marine of France.

He complained of the slow manner in which the men worked in the King's yards. He said, there were more ship-wrights employed in Deptford dock-yard, than in all the private ship-builders' yards upon the Thames put together, and reckoned in the aggregate: and yet it was notorious, that in Deptford yard the rule was, to build one ship of war and two frigates in a twelvemonth, whereas the private ship-builders, notwithstanding the quantity of business which they did for the India company, for individuals who fitted out privateers, letters of marque, &c. and for the merchants, built for government eleven ships of war, besides frigates and lesser vessels, in the same time. This was owing to the total want of discipline in the King's

yards, and to an idea, which though he knew it was a received maxim in ship-building, he could not but controvert, viz. the idea that the longer a ship continued in her frame, with her sides uncovered, the better, and the more durable the ship would be when finished. Tender as the ground was upon which he was treading, he nevertheless, would venture to step firmly, and to assure the House, that he had the evidence of his senses to support him in his assertion. There were, at this time, two ships which had cost the public very large sums indeed, that had remained in their frames till the timbers absolutely became rotten, and were forced to be taken out of them; he meant the Royal Sovereign, at Plymouth, and the Warrior, at Portsmouth. The former was so bad from decay, that even her keel was forced to be taken away, and a new one put in its stead. These two ships, then, were proofs of the truth of what he asserted, and might serve as a stimulus to covering in ships of war sooner, by which means they would be got ready for sea much more expeditiously; and the country be served more effectually. He might adduce many other instances of a similar nature, but he mentioned those only to shew, that the system of continuing ships so long on the frame, and afterwards so long on the stocks, answered none of the ends which had been so pompously held forth; he should therefore wish that the ships were run up on the spur of the occasion, in order that a sudden force might be produced: and he was convinced that the more expeditious method which the French had of completing their ships was infinitely more proper and useful. He had conversed with some of the most experienced shipwrights in England on the subject, and he was enabled to say, on their judgments, that after a ship had stood in the frame through the changes of the wet and dry seasons, that was for a year, the longer she stood after that time, she received more injury than benefit. He then proposed two motions, the first was, "That leave be given to bring in a Bill for the better and more effectual making up and laying before parliament, the accounts of the sums expended for building, rebuilding, and repairs of his Majesty's ships of war in his Majesty's dock-yards and other dock-yards in Great Britain." This motion he intended to follow with another, "That there be laid before this House an account of the number of shipwrights employed in the dock-

yards of Deptford, Woolwich, Chatham, Sheerness, Portsmouth, Deal, and Harwich, on the 1st of January, with the names of the several officers in each yard."

Sir *George Yonge* seconded the motion. The manner in which the navy estimates were presented to that House called loudly for some regulation. As the estimates were now managed, it was impossible for any person to know how much we were spending, or how much longer we could support the war. It would perhaps amaze the House, but we were expending upon our navy 50,000*l.* a day! With regard to what his hon. friend had said relative to the slowness with which our ships of war were built, it certainly was greatly to be lamented, and ought to be avoided. France, it was obvious, avoided it, for there was one remarkable instance that had come to his knowledge; and that was, the *Ville de Paris*, which was so crippled in the action of the 27th of July, that she was with difficulty towed into port, and there obliged to undergo a thorough repair; nay, her very keel was taken out, and a new one put in; so that she was almost entirely new, when the workmen had done with her; and yet this very *Ville de Paris* that went into dock a shattered, and almost totally ruined 90 gun ship in the beginning of August, turned out of dock in the April following an almost complete new 100 gun man of war.

Sir *Charles Bunbury* said he could not rise to speak on so interesting a subject without returning his thanks to the hon. gentleman who had brought it on, and thereby rescued the House from the imputations it had lain under, for having on the day of the naval estimates neglected the important consideration of the fleet of England, in order to enter into a discussion of what had been sufficiently discussed before, and in full as proper a place; the unfortunate conduct of a much censured though highly rewarded vice-admiral. An imputation which the parliament of Great Britain never could have incurred, had it not been led away by that violent spirit of party, which, at the same time that it inflames the passions of the weak, perverts the reason of the wise; that baneful and malignant spirit which preys upon the vitals of this enfeebled country, which damps its ardour, which cripples its exertions, and which threatens its destruction, even more than the combined force of its formidable adversaries, by proscribing from its service, at this hour of difficulty and

peril, the ablest and most distinguished of its citizens. Sir Charles said he was astonished at having heard a right hon. gentleman some time ago boast that we had 300,000 men in arms, which was more than Louis 14 had. Instead of this he would have done better to have referred the House to the example of Louis 16, who was wisely using every means in his power to render his marine respectable and powerful. That example was worthy of our imitation. If the destruction of the marine of our enemies was the great object we were to pursue, and the only means of attaining what we all most ardently wished for, an honourable and lasting peace; that object, he contended, could only be observed by augmenting the power of the marine of England. Here sir Charles urged the propriety of employing those of the most distinguished abilities in the department of the Admiralty, and reprobated the conduct of the present commissioners, from the beginning of the war to the present hour, stating the evils that had accrued to the country from their want of foresight, diligence, and œconomy; an instance of the latter, he proved from the papers on the table, that the whole expence of the navy for the year 1762 (the most costly of the late war) amounted to 6,308,205*l.* whereas that for the year 1780, came to 8,853,249*l.* That was above two millions and a half more, though in 1762 we had 89 ships of the line, and in 1780 only 86. Sir Charles took notice of the war with Holland, and declared he knew not how he was to account for it. The spirited and cheerful North Briton might rejoice at it, and promise himself a rich and golden harvest, but as an East Briton, as the representative of a large manufacturing county, which touched not an ear of the precious corn, which reaped only a crop of thistles, an accumulation of grievous taxes, who mourned the event, and daily felt its fatal consequences; he must beg leave to deplore it as a melancholy circumstance. It was a poor comfort to his constituents to be told, that there were people in the island of St. Eustatius as miserable as themselves. The adventurers in privateers, and those who were concerned in letters of marque, might rejoice at it; they had, he heard, taken many Dutch vessels, but he had not yet heard of their getting any Dutch cargoes. The ships they had hitherto taken were chiefly freighted with English property, with the

property of their next door neighbours. He rejoiced as heartily as any man at the success of his Majesty's arms. The capture of St. Eustatius, considering that we had forced Holland to join the number of our foes, was an important event; how far it would prove a glorious one, depended altogether on the use that might be made of it. If it inflamed the arrogance of the British ministry, if it induced them to use more lordly and haughty language, when they were treating for peace, it would be a melancholy prize; if, on the other hand, it was properly used, it would be a truly valuable capture. He advised his noble friend in the blue ribbon, not to suffer those commanders and proprietors of privateers, who had huzzaed him into the war with Holland, to prevent him from making peace. He knew his benevolent and pacific disposition would induce him to do what he had advised. He said, he used the word 'pacific,' because his noble friend's mind was peaceably inclined. The conciliatory propositions, which, in spite of the clamorous opposition both of his political friends and foes, he had with so much magnanimity, and so much to his own honour, brought into that House some few years back, as well as his having sent out commissioners to America, proved that he panted for peace. He conjured his noble friend, therefore, to use his endeavours to inspire his war-enamoured colleagues with the same pacific sentiments. He conjured him to be a warrior for peace; he would fight under his banner, and endeavour, by the abundance of his zeal, to atone for his lack of ability; but it was not only the slender aid of such bending willows as himself that he would acquire; he would likewise gain the powerful assistance of the most able and distinguished amongst us, the sturdy oaks who support this tottering constitution. Let his noble friend lose not a moment in so laudable, so expedient, so necessary a pursuit! In the mean time, "increase the navy." The phrase should be echoed in the noble lord's ear, from day to day. He added, Nay, I would have a starling taught to speak nothing but 'navy,' and present it to him, to keep his recollection still in motion. In order to do it, let every shipwright in the kingdom be employed; and let the industry of the workmen in the royal dock-yards, be extracted by every possible means; let it be encouraged by emoluments, let their sloth be driven away by the terror of punishment.

To forward the great work, let every joiner and carpenter in the kingdom, every man who knew the use of the adze and the chissel, be enlisted into the public service. Every man of this description might be made useful, and join in forwarding that great end, without the entertainment of which, it was impossible to expect that war could be carried on with success. To prevent the alarming and unparalleled desertion which happened this war, he recommended the restoration of discipline in the navy, which had been much relaxed; he censured the pernicious custom of turning over men to different ships, which made them take a disgust to the service; and he urged the necessity of augmenting the corps of marines, and empowering the captains of ships to rate the marines as seamen, when they knew the business, without obliging them to repay the bounty-money as heretofore.

Mr. *Penton* said, that the objections in regard to the *Narcissus*, were founded on a matter which had been explained to the House over and over again. When a service arose suddenly and pressed, the men were taken from their regular work to that particular duty. In case of a hurricane, the ships that suffered must be immediately refitted; therefore, parliament was resorted to again for another provision. The workmen did as much as it was possible for them to do, and as many hands were employed as could be found. He denied there was more work done in the private yards than in the King's yards of Deptford and Woolwich joined; he had the last year's accounts in his hands, 350,000*l.* had been paid to private builders, and 420,000*l.* to Deptford and Woolwich. He said that in 1739, parliament had negatived a similar motion; he should oppose the motion as nugatory.

Admiral *Keppel* gave it as his opinion, that if the French and Spanish fleets joined, and a battle ensued, the consequences would be disastrous to this country. He recommended having as many

marines as possible. The desertions were astonishing, and shewed a want of order and discipline somewhere.

Sir *Hugh Palliser* accounted in a different way for that inferiority. He said that the family compact had convinced the rulers of the kingdom, that the greatest naval exertions would be necessary, to enable this country to maintain its superiority over the House of Bourbon; it was foreseen that whenever war should again break out with France, it would also break out with Spain at the same time: formerly we had to do with those powers alternately, not together; but the family compact gave reason to suppose that a rupture with one, would be immediately followed by a rupture with the other. Hence arose a necessity to make preparations for such an event; vast quantities of naval stores, the seeds of future navies, were purchased with those sums the parliament had voted; the dock-yards were absolutely crammed; and then a plan was formed, when he had the honour to preside at the Navy Board, for so regulating the proceedings of the workmen, as should enable us to avail ourselves effectually of the resources we had in store, and raise up a navy superior to those of France and Spain united; but the enemies of this country, conscious that with a great navy she must be victorious, intervened; sowed dissensions among our workmen, and poisoned them against this new plan.

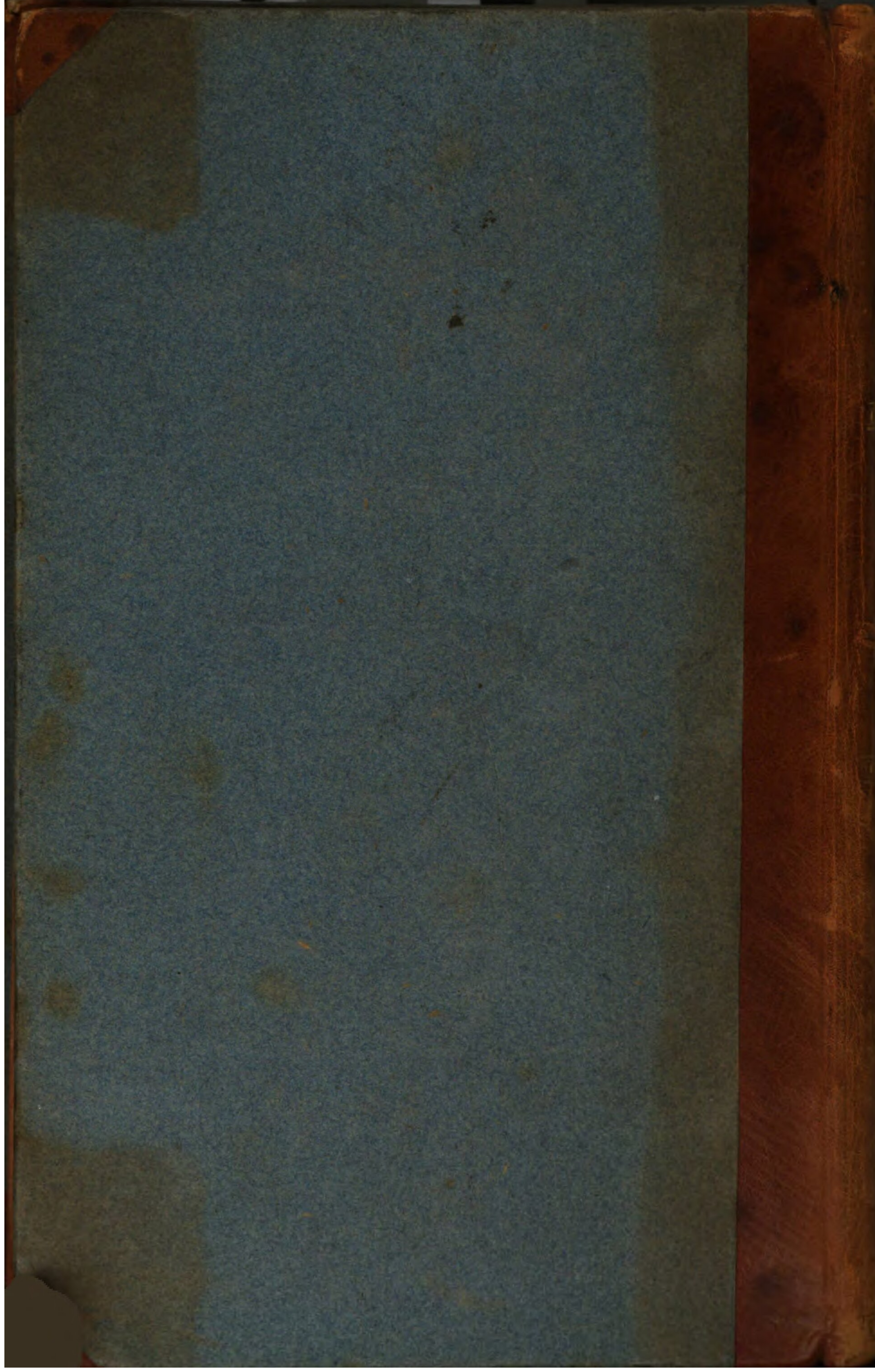
After some further conversation, the House divided on Mr. Minchin's motion.

Tellers.

YEAS	{	Mr. Minchin - - -	}	45
		Sir George Yonge - - -		
NOES	{	Earl of Lisburne - - -	}	147
		Mr. Penton - - -		

So it passed in the negative. Mr. Minchin then said, that after the fate of his first motion, seeing that all desire of reform was at an end, he would not trouble the House with his second proposition.

END OF VOL. XXI.



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